

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, January 13, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>WELCOME</b>	Opening Remarks	Chairman Patrick
<b>INTRODUCTIONS</b>	New Member: Page	Chairman Patrick
<b>RULES REVIEW</b>	Rules Review Assignments	Vice Chair Souza

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, January 13, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Guthrie, Agenbroad, Riggs, and Burgoyne

**ABSENT/ EXCUSED:** Senators Lakey and Ward-Engelking

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**WELCOME AND OPENING REMARKS:** **Chairman Patrick** welcomed everyone to the first meeting. **Chairman Patrick** introduced the Senate Page Haydon Madison and asked him to tell the Committee about himself. **Mr. Madison** remarked he is a senior and attends Nampa High School. In response to a question from **Vice Chair Souza**, **Mr. Madison** reported being at the Senate was a wonderful experience. He noted he liked wrestling and boxing. He indicated he is working on his mortgage broker's license and has an internship at a mortgage firm. He will be attending Boise State University majoring in business. **Senator Burgoyne** remarked he found the description of Mr. Madison's senior year interesting and he was impressed with his pursuit of a mortgage broker's license.

**RULES REVIEW:** **Chairman Patrick** outlined all the agencies that report to the Committee. He remarked agencies would be sending red-line items to the Committee.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**Vice Chair Souza** gave a brief overview of the rule assignments and indicated a spreadsheet would be emailed to the Committee. She remarked there were many omnibus rules with no significant changes. She then assigned the rules from the Idaho Division of Professional Licenses (DOPL) to some of the Committee members.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**Chairman Patrick** asked if there were any comments or questions from the Committee.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:43 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, January 18, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of January 13, 2022	Vice Chair Souza
<a href="#"><u>09-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 6	Jani Revier, Director, Idaho Department of Labor
<a href="#"><u>12-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 58	Anthony Polidori, Deputy Director, Idaho Department of Finance
<a href="#"><u>12-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 5	Anthony Polidori
<a href="#"><u>24-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 407	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>24-3960-2100</u></a>	Rules Governing Uniform School Building Safety, p. 414	Tim Frost
<a href="#"><u>24-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 84	Tim Frost
<a href="#"><u>24-3980-2100</u></a>	Idaho Minimum Safety Standards and Practices for Logging, p. 417	Tim Frost
<a href="#"><u>24-0501-2100F</u></a>	Rules of the Board of Drinking Water and Wastewater Professionals, p. 173	Tim Frost
<a href="#"><u>24-3201-2100F</u></a>	Rules of the Idaho Board of Licensure of Professional Engineers & Prof. Land Surveyors, p. 393	Tim Frost
<a href="#"><u>24-3910-2100F</u></a>	Rules of the Idaho Electrical Board, p. 511	Tim Frost
<a href="#"><u>24-3920-2100F</u></a>	Rules Governing Plumbing, p. 527	Tim Frost
<a href="#"><u>24-3930-2100F</u></a>	Rules of Building Safety (Building Code Rules), p. 542	Tim Frost
<a href="#"><u>24-3931-2100F</u></a>	Rules for Factory Built Structures, p. 556	Tim Frost
<a href="#"><u>24-3970-2100F</u></a>	Rules Governing Installation of Heating, Ventilation & Air Conditioning, p. 587	Tim Frost

***Public Testimony Will Be Taken by Registering Through the Following Link:  
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***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick

Vice Chairman Souza

Sen Martin

Sen Lakey

Sen Guthrie

Sen Agenbroad

Sen Riggs

Sen Ward-Engelking

Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz

Room: WW46

Phone: 332-1333

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MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 18, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** moved to approve the Minutes of January 13, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**INTRODUCTION:** **Vice Chair Souza** introduced Tim Frost, Deputy Director, Idaho Division of Occupational and Professional Licenses (IDOPL), explaining Mr. Frost would be presenting the rules for the Division.

**DOCKET NO. 09-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 6. **Jani Revier**, Director, Idaho Department of Labor (IDOL), indicated there were six rule chapters in the omnibus. She noted these rules were unchanged except for two sections. **Ms. Revier** mentioned the rule changes would simplify the process and make the rules straightforward and consistent. She stated in the second rule change the claimant would be required to report gross earnings for self-employment, the same as for those with regular employment. She noted some of the costs are deductible but not all.

**DISCUSSION:** **Senator Burgoyne** questioned the self-employment earnings rule and asked why the IDOL did not use the tax code. **Ms. Revier** remarked the IDOL was not an expert on the tax code and noted the rule was not always aligned with the federal tax code. She stated very few of the claimants are self-employed. The idea was to simplify the process. **Senator Burgoyne** stated the IDOL must be more flexible about the approach to this issue. He said he supported the rule with some trepidation.

**Senator Lakey** referred to the first change in the rule and queried if the change would make the process simpler. Senator Lakey and Ms. Revier discussed that unemployment insurance is individualistic, depending on the circumstances. **Senator Lakey** remarked he agreed with Senator Burgoyne with respect to the second change. Senator Lakey and Ms. Revier discussed the idea that an applicant could be eligible for a higher weekly benefit amount if the gross earnings were higher than what was previously reported. **Ms. Revier** stated she would defer to Josh McKenna.

**TESTIMONY:** **Josh McKenna**, Benefits Bureau Chief, IDOL, stated a person would have to earn enough to be eligible for benefits. He noted if the person has a part-time job, earnings would have to be reported every week. He remarked eligibility could change weekly. Benefits can be reduced for the week. He noted employers pay taxes and receive a benefit because they are not being charged as much in unemployment taxes.

**DISCUSSION:** **Senator Lakey** expressed a concern there was some benefit for a claimant to have a lower reportable gross income and that recognition of self-employment was being taken away. **Mr. McKenna** remarked that during the pandemic the IDOL became aware of several types of self-employment. He noted the rule says the IDOL may allow certain deductible costs. He noted the IDOL wanted to make the rule more straightforward. **Senator Lakey** commented he was not sure simpler was better.

**Senator Burgoyne** stated he was persuaded the Committee should not approve the self-employment earnings issue, but to approve the Docket with the exception of subsection No. 09.01.30.525.10, Self- Employment Earnings.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10**. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** remarked things were not going back to the way they were prior to the pandemic. Dramatic changes have been seen in the duration of employment. More are becoming self-employed and fewer are being employed. **Senator Martin** asked Ms. Revier if the changes would affect a small amount of people. **Ms. Revier** affirmed, based on claimants seen in 2019, less than 2 percent of 40,000 people would be affected.

**SUBSTITUTE MOTION:** **Senator Martin** moved to approve **Docket No. 09-0000-2100**. The motion died due to the lack of a second.

**VOTE ON THE ORIGINAL MOTION:** The motion to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10** carried by **voice vote**. **Senator Martin** requested he be recorded as voting nay.

**DOCKET NO. 12-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 58. **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), reported there were no changes to this rule.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 12-0000-2100**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 5, **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), indicated there were no changes to this rule.

**MOTION:** **Senator Martin** moved to approve **Docket No. 24-0000-2100F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 407. **Tim Frost**, Deputy Director, IDOPL, gave a broad overview of the changes. He noted the remainder of the IDOPL rule chapters within the legislative book have either no changes or de minimis changes and would be presented together. He went over the rules for pending rules and fee rules.

**DOCKET NO. 24-3960-2100** **Rules Governing Uniform School Building Safety**, p. 414. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**DOCKET NO. 24-3980-2100** **Idaho Minimum Safety Standards and Practices for Logging**, p. 417. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**TESTIMONY:** **Shawn Keough**, Executive Director of the Associated Logging Contractors, testified in support of this rule.

**MOTION:** **Senator Riggs** moved to approve **Docket No. 24-0000-2100**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 84. **Mr. Frost** indicated the subsequent fee rules were under this omnibus rule.

**DOCKET NO. 24-0501-2100F** **Rules of the Board of Drinking Water and Wastewater Professionals**, p. 173. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3201-2100F** **Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors**, p. 393. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** **Senator Burgoyne** referred to page 15. **Senator Burgoyne** and **Mr. Frost** discussed whether the national standard would work for Idaho, marketplace competition, and provide flexibility within the rule.

**Senator Lakey** and **Mr. Frost** discussed the amount of hours specified for licensees to comply with the National Council of Examiners for Engineering and Surveying (NCEES) competency standards in order to renew a license.

**Senator Martin** referred to the discontinued or retired status in the docket and the effect the change would have on a retiree.

**DOCKET NO. 24-3910-2100F** **Rules of the Idaho Electrical Board**, p. 511. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** A discussion ensued between **Senator Burgoyne** and **Mr. Frost** relating to failure to request an inspection and the possible effects of the revocation of an electrician's license.

**Vice Chair Souza** and **Mr. Frost** discussed the involvement of the electrical industry related to the changes.

**Senator Lakey** queried if an applicant or designee passed the contractor's exam but was no longer with the company, would the applicant still qualify as competent. **Mr. Frost** stated he would find out that information.

**DOCKET NO. 24-3920-2100F** **Rules Governing Plumbing**, p. 527. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3930-2100F** **Rules of Building Safety (Building Code Rules)**, p. 542. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3931-2100F** **Rules for Factory Built Structures**, p. 556. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO.  
24-3970-2100F**

**Rules Governing Installation of Heating, Ventilation & Air Conditioning (HVAC)**, p. 587. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:**

**Senator Guthrie, Vice Chair Souza, and Mr. Frost** discussed the current website and how the public could navigate through the site for help. They discussed including a reference to a code section and providing as much disclosure on the website as possible for the public.

**Senator Agenbroad and Mr. Frost** discussed the omnibus, public sessions, the amount of work involved when the Legislature did not approve the rules, and the costs to the taxpayer.

**MOTION:**

**Senator Guthrie** moved to approve **Docket No. 24-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:54 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

## ATTACHMENT 1

Tim Frost, January 18, 2022

### PENDING RULES REVIEW BOOK

IDAPA 24.39.60 (Rules Governing Uniform School Building Safety) (Page 414)

- To remove four definitions that were duplicative of section, 39-8004, Idaho Code (division, administrator, imminent safety hazard, serious safety hazard)

IDAPA 24.39.80 (Idaho Minimum Safety Standards and Practices for Logging Safety) (Pg 417)

- To remove definitions not used within the rule chapter nor do they provide any benefit regarding enforcement of logging safety. (Page 1, rule 007-010)
- To remove redundant and unnecessary language to simplify the rule. (Page 9, rule 013)
- Removed language from the rules describing logging equipment that does not assist with enforcement of safe logging operation practices (Page 37, rule 4S3)
- Removed picture diagrams from the rules that conveyed options for logging operations to utilize and thus created unnecessary rule language as these were merely options rather than requirements. (Page S2, rule 456)
- In total, the rule chapter is simplified and reduced by 17%. We appreciate the assistance of working with the Associated Logging Contractors on these rule changes.

### PENDING FEE RULES REVIEW BOOK

IDAPA 24.05.01 (Rules of the Board of Drinking Water and Wastewater Professionals) (Pg 173)

- To provide for an apprenticeship program model for individuals obtaining a Class III operator's license. This rule was amended in request from the Idaho Rural Water Association to provide additional education options outside of two years college experience. (Pg 1, rule 335)

IDAPA 24.32.01 (Rules of the Idaho Board of Professional Engineers and Professional Land Surveyors) (Pg 393)

- Throughout the rule chapter, the Board of Professional Engineers and Surveyors removed definitions and rule language that were duplicative of statute Title 54 Chapter 12
  - o Examples: Pg 1, rule 010; Pg 3, rule 016; Pg 10, rule 020
- To remove arbitrary rule language when statute Title 54 Chapter 12 clearly defines the waiver of an examination when a specified number of years' experience is provided (Pg 10, rule 022).
- To remove rule language addressing "public statements" as the Board does not have the statutory authority or jurisdiction over public statements (Pg 12, rule 102).
- To modify rule language regulating professional development and continuing education, moving to one national standard. Of note, NCEES is a standard and not a CE provider, so the change does not limit our rules to one CE entity to allow for multiple providers (Pg 15, rule 200).
- Added new rule language for surveying practices that adopt one "State Plan Coordinate" system to describe land for all of Idaho. This rule language is the implementation of SB1011 from the 2021 session (Pg 18, rule 400)
- In total, the rule chapter is simplified and reduced by 17%

IDAPA 24.39.10 (Rules of the Idaho Electrical Board) (Pg 511)

- To remove the unnecessary term or phrase "electrical" from all rule sections applicable to this chapter (Pg 1, rule 011)
- To remove any duplicative language between these rules and statute Title 54 Chapter 10 {Pg 6, rule 100}
- To remove all redundant rule language that was reiterated throughout the electrical rule chapter (Pg 10, rules 150 & 151; Pg 11 rule 152; Pg 13, rule 154)
- To simplify the rule language addressing electrical license exam criteria in a way that allows for consistency across all the different electrical licenses issued by the state of Idaho and maintains the minimum exam scores so that our reciprocal agreements with other states is not jeopardy (Pg 14, rule 200)
- To remove unnecessary rule language regarding agency policy for the acceptance, review and approval process for electrical continuing education course applications which limited and restrained education providers from innovative ideas and technology (Pg 18, rule 301)
- To remove duplicative appeal process requirements from these rules as they are clearly defined within the Administrative Procedures Act, Idaho statute Title 67 Chapter 52. (Pg 20, rule 350)
- To add rule language that would allow for the Electrical Board to impose a civil penalty on an individual that fails to request an electrical inspection after performing electrical installations (Pg 22, rule 450.08)
- In total, the rule chapter is simplified and reduced by 27%

IDAPA 24.39.20 (Rules Governing Plumbing) (Pg 527)

- To remove any unnecessary rule language that was duplicative of statute, Title 54 Chapter 26.
- To remove rule language that addresses an administrative appeal process as this is clearly defined in statute, Title 67 Chapter 52 (Pg 1, rule 002)
- To remove the mobile home plumbing specialty license from rule as it is exempt from licensure as per 54-2602(i), Idaho Code (Pg 9, rule 208)
- In total, the rule chapter is simplified and reduced by 10%

IDAPA 24.39.30 (Rules of Building Safety "Building Code Rules") (Pg 542)

- Add rule language that accounts for the installation and use of "Mass Timber" products from the 2021 International Building Code. This provision implements the allowance of HB 143 from the 2021 session. (Pg 2, rule 004.01.j)
- Add a rule amendment to the energy code, addressing the global supply shortage of insulated flexible ductwork used primarily in residential construction and to require duct insulation only in areas of the residential structure where potential life safety concerns may exist if ducts are not insulated (Pg 9, rule 004.04 n & o).
- Removed duplicative rule language governing factory-built structures from the building rules as they are within IDAPA 24.39.31, 24.39.32, 24.39.33 (Pg 10, rule 026).
- In total, the rule chapter is simplified and reduced by 30%

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Commented (TF1):

- That Factory Built Structures Board consolidated four rule chapters {24.39.31, 24.39.32, 24.39.33 & 24.39.34} into one rule chapter; 24.39.31. (Consolidated Chapter - Pg 10)

- Within the consolidated rule chapter, the following was addressed:
  - o To remove rule language that was duplicative of statute (Pg 5, rule 010)
  - o To remove unnecessary rule language that does not assist with the enforcement or compliance of the Factory Built Structures program (Pg 7, rule 029.02)
  - o To remove antiquated rule language (Pg 9, rule 032.02.b)
- In total, the rule chapter is simplified and reduced by 20%. We are appreciate working closely with the Idaho Manufactured Housing Association on the consolidation of these chapters .

IDAPA 24.39.70 (Rules Governing Installation of Heating, Ventilation, and Air Conditions Systems) (Pg 587)

- The following changes were made for the rules governing HVAC installations during omnibus rulemaking July 2021:
  - o To remove duplicative appeal hearing language from the rules as they are defined under the Administrative Procedures Act statute , Title 67 Chapter 52 (Pg 1, rule 003).
  - o To remove unnecessary rule language that was only informative office hours, locations, internal division filing of documents, and duplicative language of the public records act compliance in Title 74, Chapter 1, Idaho Code . (Pg 4, rules 005, 006 & 007).
  - o To remove rule language that prohibits innovative electronic application submittal processes (Pg 5, rule 020).
  - o To remove antiquated fee rules that are currently not used by the agency as they have been accounted for within the calculated HVAC permit fee schedule (Pg 10, rule 051.04).
  - o To remove duplicative rule language identifying inspection requirements that are set forth in the adopted mechanical codes (Pg 10, rule 060.01)
- The following changes were made for the rules governing HVAC installations during "Proposed Rulemaking" in the October bulletin:
  - o To remove antiquated mechanical code amendments from the 2012 versions as they no longer apply because the 2018 mechanical codes have now been adopted (Pg 12, rule 002)
  - o To modify the rule language of Specialty Contractor and Contractor requirements to ensure consistent enforcement and applicability, in addition to removing duplicative rule language between rule sections (Pg 15, rule 011).
  - o To modify rule language eliminating the in-state versus out-of-state experience requirements to qualify for the Contractor and Journeyman licenses, ensuring that the experience requirements for Idaho applicants is equal to that of those coming from out of state (Pg 17, rule 013.03)
  - o To remove Inspector Qualification rule language that is duplicative of Statute 54-5021 (Pg 20, rule 053).
- In total, the rule chapter is simplified and reduced by 30%

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**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, January 20, 2022**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>18-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule; Docket Nos. 18-0102-2100F through 18-0802-2100F, pp. 72-78	Dean Cameron, Director, Idaho Department of Insurance
<a href="#"><u>18-0201-2101</u></a>	Insurance Rates and Credit Rating (New Chapter) - Proposed Rule, p. 347	Dean Cameron
<a href="#"><u>18-0305-2101</u></a>	Credit Life and Credit Disability Insurance (New Chapter) - Proposed Rule, p. 351	Dean Cameron
<a href="#"><u>18-0401-2101</u></a>	Health Carrier External Review (New Chapter) - Proposed Rule, p. 360	Dean Cameron
<a href="#"><u>18-0402-2101</u></a>	Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364	Dean Cameron
<a href="#"><u>18-0407-2101</u></a>	Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Proposed Rule, p. 368	Dean Cameron
<a href="#"><u>18-0410-2101</u></a>	Medicare Supplement Insurance Standards (New Chapter) - Proposed Rule, p. 371	Dean Cameron
<a href="#"><u>18-0802-2100F</u></a>	Fire Protection Sprinkler Contractors, p. 78	Dean Cameron
<a href="#"><u>59-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 497 Docket Nos. 59-0101-2100 through 59-0201-2100, pp. 499-533	Don Drum, Executive Director, PERSI
<a href="#"><u>15-0400-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 68	Michelle Peugh, Policy Manager, Division of Human Resources

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COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
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MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, January 20, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/  
EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**INTRODUCTIONS:** **Vice Chair Souza** introduced Dean Cameron, Director, Idaho Department of Insurance (IDOI). **Mr. Cameron** gave a brief overview of the omnibus rules. He began with **Docket No. 18-0000-2100**. There was no discussion.

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0000-2100**. There was no second.

**DISCUSSION:** **Senator Guthrie** pointed out the docket was not on the agenda and a motion could not be made. **Mr. Cameron** stated he could return to present this docket at the Committee meeting of January 25, 2022.

**DOCKET NO.  
18-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule; Docket Nos. 18-0102-2100F through 18-0802-2100F**, pp. 72-78. **Mr. Cameron** presented the dockets. He noted there were no changes from what was previously adopted, except for the rule specifically called out as part of the Zero-Based Regulation (ZBR) review (Attachment 1).

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0000-2100F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
18-0201-2101** **Insurance Rates and Credit Rating (New Chapter) - Proposed Rule**, p. 347. **Mr. Cameron** went over the changes in this rule (Attachment 1)

**DISCUSSION:** **Vice Chair Souza** asked how many companies were out-of-compliance. **Mr. Cameron** noted there were some companies that were never out-of-compliance and there were others who had various opinions as to how to file. Those companies were having to adjust. **Mr. Cameron** stated the IDOI was working with the industry. This rule was not going to be for those companies that were out-of-compliance. He noted those companies will transition back into compliance. There is strong competition and a desire to rate the least risky clients.

**Senator Burgoyne** queried if there was any evidence that those with worse credit had more claims than most. **Mr. Cameron** commented there is an argument that those who have better credit receive a discount and have better rates. Those with worse credit are paying more for auto insurance. During the pandemic, people lost credit because businesses and jobs were lost. Inappropriate rate increases have occurred.

**Senator Burgoyne** and **Mr. Cameron** discussed whether there was any evidence that people with worse credit had more claims or more expensive claims than what the insurance industry believed, and how more sophisticated technology may eliminate or reduce the use of credit as being less and less valuable.

**Senator Riggs** and **Mr. Cameron** had a conversation about the reassessment period for the insurance companies, whether done annually or semiannually, and how often consumer credit ratings were checked. **Senator Riggs** mentioned he wanted to be reassured insurance companies were not being predatory and punitive. **Mr. Cameron** reaffirmed the IDOI had not seen that kind of practice.

**MOTION:** **Senator Riggs** moved to approve **Docket 18-0201-2101**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.** **Credit Life and Credit Disability Insurance (New Chapter) - Proposed Rule**, p. 351. **Mr. Cameron** outlined the changes in the rule (Attachment 1).  
**18-0305-2101**

**DISCUSSION:** **Senator Lakey** asked how prima facie rates were set and what was the purpose of these rates. He remarked he thought the IDOI was close to rate setting. **Mr. Cameron** indicated the rate tables were put on the website. He noted rates did not act as a barrier for carriers but he was not sure that in all cases they were needed.

**Senator Agenbroad** remarked if the rates were removed and placed on the website, what process would the IDOI and the Legislature go through in the rulemaking process. **Mr. Cameron** noted the rules were more informational to the carriers and seen as a help to the industry.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 18-0305-2101**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.** **Health Carrier External Review (New Chapter) - Proposed Rule**, p. 360.  
**18-0401-2101** **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**DISCUSSION:** **Senator Guthrie** noted he appreciated information was inserted into the rule where it could be found in code.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0401-2101**. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Martin** asked what the numbers were for a typical year when reviews were requested. He also asked if the IDOI had noticed a change in the need for reviews during the Coronavirus (COVID-19) issues as there had been many media reports on certain kinds of treatments that were not covered, and was there an increase in concerns from consumers. **Mr. Cameron** stated there was not a large increase. In answer to the first question posed by Senator Martin, **Mr. Cameron** noted that in 2021 there were 162 case reviews requested. He indicated some of the cases were for a review for medical necessity versus investigational or level of care. Some were found not to be eligible or the application was incomplete.

**VOTE ON THE MOTION:** The motion to approve **Docket No. 18-0401-2101** carried by **voice vote**.

**DOCKET NO.** **Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule**, p. 364. **Mr. Cameron** outlined the changes in the rule (Attachment 1).  
**18-0402-2101**

**DISCUSSION:** **Senator Lakey** and **Mr. Cameron** discussed the involuntary coverage complications list and legal requirements. **Senator Lakey** referred to .02.01, and expressed a concern about the language in the rule about a missed abortion. He asked for clarification. **Mr. Cameron** stated the language was in the prior rule and was carried forward in the process. He indicated it was the carrier's responsibility to cover involuntary complications of pregnancy. **Senator Lakey** commented he needed more information before he could vote. He asked for a delay on this Docket in order to obtain more information.

**MOTION:** **Senator Guthrie** moved to hold **Docket No. 18-0402-2101** subject to the Call of the Chair. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0407-2101** **Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Proposed Rule**, p. 368. **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 18-0407-2101**. **Chairman Patrick** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** commented what was in the rule provided some protective effect in certain kinds of clause provisions in the contract. He noted he thought nothing was lost. **Director Cameron** affirmed that nothing was lost.

**VOTE ON THE MOTION:** The motion to approve **Docket No. 18-0407-2101** carried by **voice vote**.

**DOCKET NO. 18-0410-2101** **Medicare Supplement Insurance Standards (New Chapter) - Proposed Rule**, p. 371. **Mr. Cameron** outlined the changes in the rule (Attachment 1). He presented a chart and explained each age bracket as outlined (Attachment 2).

**DISCUSSION:** **Senator Burgoyne** remarked there were places on the chart where there appeared to be some hefty increases for different products. **Mr. Cameron** explained all the products with Medicare supplements were standardized across the country, meaning the benefits were standardized as well. **Senator Burgoyne** asked if any of the rules in place were placed in any discretionary way to drive increases. **Mr. Cameron** indicated the majority of Idaho senior citizens were positively impacted by the passage of S 1143.

**Senator Guthrie** stated the IDOI was trying to achieve market stability for the long haul. **Senator Guthrie** and **Mr. Cameron** discussed the issue of dead pooling, how often some seniors with health conditions only had one choice, and plans were more expensive to pay for services. **Mr. Cameron** pointed out some carriers would gather business, close out the business after three years and come back under a new name. Healthy people would move because they had good health. Consumers were hurt. Legislation has halted that practice.

**Senator Martin** asked if S 1143 helped the consumer and the industry. **Mr. Cameron** remarked the legislation helped consumers across-the-board and the market has stabilized. Consumers are not trapped into a particular company.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0410-2101**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0802-2100F** **Fire Protection Sprinkler Contractors**, p. 78. **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0802-2100F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 59-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 497; **Docket Nos. 59-0101-2100 through 59-0201-2100**, pp. 499-533. **Don Drum**, Executive Director, Public Employees Retirement System of Idaho (PERSI), highlighted a few of the specific changes that occurred in the process.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 59-0000-2100**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 15-0400-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 68. **Michelle Peugh**, Policy Manager, Idaho Division of Human Resources (IDHR), outlined substantive changes in the rule. She noted there were additional, less substantive changes made for clarity, with the goal to keep IDHR rules relevant and applicable.

**DISCUSSION:** **Senator Guthrie** queried what was the cost and thought behind donated leave. **Ms. Peugh** explained the policy change was a result of the COVID-19 pandemic. Several state employees had to miss work and the IDHR decided that while having employees being able to donate vacation to other employees to use as sick leave, the amount of hours for employees to use was limited. The IDHR worked with the State Controller's Office to allow state employees to donate both vacation and sick leave to others to use as sick time if they had exhausted all accrued leave.

**MOTION:** **Senator Riggs** moved to approve **Docket No. 15-0400-2100**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:03 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

ATTACHMENT 1, Dean Cameron, Director, Idaho Department of Insurance  
January 20, 2022

ZBR rules.

- 18-0201-2101 Insurance Rates and Credit Rating
  - Idaho statute allows for the use of credit in determining rates so long as it is not the primary factor.
  - The DOI has long determined primary to mean not more than 50%.
  - Our rule and rate review had become complicated and cumbersome.
  - And was considered in conflict with the statute by our DAG's
  - The new change asks carriers to make a self-attestation that they are compliant.
  - The industry, I think would prefer no changes. Unfortunately that does not work for the agency.
    - ✦ The conflict
    - ✦ The review led to multi-month discussions and conflict as to differing approaches from various carriers.
  
- 18-0305-2101 Credit Life and Credit Disability Insurance
  - No opposition.
  - No substantive change.
  - Removal of repetitive language.
  
- 18-0401-2101 Health Carrier External Review
  - No opposition.
  - No substantive change.
  - Removal of repetitive language.
  
- 18-0402-2101 Complications of Pregnancy, Newborn, and Adopted Children Coverage
  - No opposition
  - No substantive change
  - Combined two previous rules.
    - ✦ Complications of Pregnancy
    - ✦ Uniform coverage for newborn and newly adopted children
  - Removal of repetitive language
  
- 18-0407-2101 Restrictions on Discretionary Clauses in Health Insurance Contracts
  - No opposition
  - No substantive change
  - Removal of repetitive language
  
- 18-0410-2101 Medicare Supplement Insurance Standards
  - This was created due to the passage of S1143
- Still did the ZBR process while adjusting for the new law.

- One of the purposes of S1143 was to eliminate dead pooling.
    - ✦ Where a carrier comes in very competitive.
    - ✦ Closes a block of business
    - ✦ Comes back with a new company and product and skims the cream.
  - Another purpose of S1143 was to take plans to a community rating. Instead of “attained age” rating or “Issue age” rating in both cases your rates would go up the older you got.
    - ✦ I have provided a sheet which show the percentage of increase for each of the carriers in the market on 5 different ages.
      - 65,70,75,80,& 85
    - ✦ While the statute requires community rating, speaks to the transition.
  - Another goal was to allow consumers to shop plans once a year at their birthdate.
    - ✦ In rule we allow for 63 day window starting at their birthday.
  - We also eliminate old outdated unnecessary provisions.
  - We held multiple hearings attend by the industry and agent groups.
- 18-0604-2101 Continuing Education
    - No opposition
    - No substantive change
    - Removal of repetitive language

# ATTACHMENT 2 - DEAN CAMERON, JANUARY20, 2022

<b>85 Non-Smoker</b>	<b>Idaho Medicare Supplement Plans</b>											
	<b>Rate Difference between 2021 Issue Age 85 Non-Smoker Rates and 2022 Community Rated 65+</b>											
<b>Company Name</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>F</b>	<b>FHD</b>	<b>G</b>	<b>GHD</b>	<b>K</b>	<b>L</b>	<b>M</b>	<b>N</b>
Accendo Insurance Company	-27%				-21%		-27%					-30%
Aetna Health & Life Ins Co	-14%	-14%			-14%	-14%	-16%					-14%
Blue Cross of Idaho Care Plus, Inc	-26%				-27%		-20%	New	Disc			Disc
Cigna Health & Life Ins Co	21%				20%	20%	22%					6%
Federal Life Insurance Company	-25%				-15%		-14%					-19%
First Health Life & Health Ins Co	-3%	-8%			-9%		-10%					-12%
Globe Life & Accident Ins Co	0%	-25%	-20%		-24%	-42%	-33%	-42%				-30%
GPM Health & Life Ins Co	-35%	New			-34%		-28%					-38%
HumanaDental Ins Co	-23%				-23%	-45%	-23%	-45%	-31%			-32%
ManhattanLife Assurance Co of America	-5%				-10%		-11%					-12%
Montana Health Cooperative dba Mountain Health	-12%				-11%		-11%					-20%
National Health Ins Co	-5%				-5%	-5%	-5%					-5%
Omaha Ins Co	-42%				-34%	Disc	-17%	-21%				-27%
Regence Blue Shield of Idaho	-11%		-20%		-20%		-20%		-23%			-22%
State Farm Mutual Automobile Ins Co	-17%		-14%	-36%	-17%		-35%					-45%
State Mutual Ins Co	-27%	6%	-11%	-9%	-11%	-14%	-9%				-13%	-13%
Transamerica Life Ins Co	-34%	-38%	-31%	-34%	-31%		-34%		-34%	-34%	-34%	-34%
United American Ins Co	5%	-26%	-32%	-42%	-33%	-14%	-39%	-8%	-33%	-29%		-37%
United Healthcare Ins Co	-18%	-29%	-29%		-29%		-29%		-29%	-29%		-40%
United Insurance Company of America	-9%			-10%	-11%		-11%	-12%				-11%
United States Fire Insurance Company	-7%	-7%			16%		-8%	-8%	-8%	-8%		-8%
USAA Life Ins Co	-16%				-31%		-33%					-29%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>-14%</b>	<b>-18%</b>	<b>-20%</b>	<b>-26%</b>	<b>-16%</b>	<b>-16%</b>	<b>-19%</b>	<b>-23%</b>	<b>-26%</b>	<b>-25%</b>	<b>-23%</b>	<b>-22%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
 Disc = Letter Plan Offered as Issue Age, but not Community Rated

80 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 80 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	-17%				-10%		-17%					-20%
Aetna Health & Life Ins Co	-6%	-6%			-6%	-5%	-9%					-6%
Blue Cross of Idaho Care Plus, Inc	-21%				-22%		-15%	New	Disc			Disc
Cigna Health & Life Ins Co	24%				23%	23%	26%					10%
Federal Life Insurance Company	-23%				-13%		-12%					-17%
First Health Life & Health Ins Co	0%	-2%			-3%		-4%					-4%
Globe Life & Accident Ins Co	0%	-25%	-20%		-24%	-42%	-33%	-42%				-30%
GPM Health & Life Ins Co	-33%	New			-32%		-27%					-37%
HumanaDental Ins Co	-13%				-14%	-38%	-13%	-38%	-23%			-23%
ManhattanLife Assurance Co of America	6%				3%		3%					2%
Montana Health Cooperative dba Mountain H	1%				1%		2%					-6%
National Health Ins Co	6%				6%	5%	6%					6%
Omaha Ins Co	-35%				-27%	Disc	-8%	-12%				-19%
Regence Blue Shield of Idaho	-10%		-16%		-17%		-18%		-20%			-19%
State Farm Mutual Automobile Ins Co	-16%		-12%	-31%	-15%		-31%					-40%
State Mutual Ins Co	-17%	19%	1%	3%	1%	-2%	3%				-1%	-1%
Transamerica Life Ins Co	-25%	-30%	-23%	-25%	-23%		-25%		-25%	-25%	-26%	-25%
United American Ins Co	5%	-26%	-32%	-42%	-33%	-14%	-39%	-8%	-33%	-29%		-37%
United Healthcare Ins Co	-18%	-29%	-29%		-29%		-29%		-29%	-29%		-40%
United Insurance Company of America	1%			0%	-2%		-2%	-1%				-2%
United States Fire Insurance Company	5%	5%			31%		5%	5%	5%	5%		5%
USAA Life Ins Co	-11%				-23%		-24%					-19%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>-9%</b>	<b>-12%</b>	<b>-16%</b>	<b>-19%</b>	<b>-10%</b>	<b>-11%</b>	<b>-12%</b>	<b>-16%</b>	<b>-21%</b>	<b>-20%</b>	<b>-13%</b>	<b>-15%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated



75 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 75 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	-7%				1%		-6%					-10%
Aetna Health & Life Ins Co	7%	7%			7%	7%	4%					7%
Blue Cross of Idaho Care Plus, Inc	-13%				-14%		-7%	New	Disc			Disc
Cigna Health & Life Ins Co	34%				40%	40%	41%					27%
Federal Life Insurance Company	-12%				0%		1%					-5%
First Health Life & Health Ins Co	4%	5%			5%		5%					6%
Globe Life & Accident Ins Co	0%	-25%	-18%		-19%	-38%	-28%	-38%				-24%
GPM Health & Life Ins Co	-24%	New			-23%		-16%					-27%
HumanaDental Ins Co	-2%				-2%	-30%	-2%	-30%	-13%			-13%
ManhattanLife Assurance Co of America	20%				18%		19%					New
Montana Health Cooperative dba Mountain H	14%				14%		17%					16%
National Health Ins Co	16%				16%	16%	16%					16%
Omaha Ins Co	-26%				-17%	Disc	3%	-1%				-10%
Regence Blue Shield of Idaho	-8%		-10%		-11%		-11%		-13%			-13%
State Farm Mutual Automobile Ins Co	-11%		-7%	-25%	-11%		-24%					-34%
State Mutual Ins Co	-8%	33%	13%	14%	13%	9%	15%				10%	10%
Transamerica Life Ins Co	-12%	-17%	-9%	-12%	-8%		-12%		-12%	-12%	-12%	-12%
United American Ins Co	5%	-26%	-29%	-39%	-30%	-8%	-36%	-2%	-32%	-27%		-33%
United Healthcare Ins Co	-10%	-23%	-23%		-23%		-23%		-23%	-23%		-34%
United Insurance Company of America	12%			11%	9%		8%	8%				9%
United States Fire Insurance Company	18%	18%			48%		18%	17%	19%	18%		18%
USAA Life Ins Co	-4%				-15%		-15%					-8%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>0%</b>	<b>-3%</b>	<b>-10%</b>	<b>-10%</b>	<b>0%</b>	<b>-1%</b>	<b>-2%</b>	<b>-8%</b>	<b>-12%</b>	<b>-11%</b>	<b>-1%</b>	<b>-6%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

70 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 70 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	4%				12%		4%					0%
Aetna Health & Life Ins Co	13%	13%			13%	13%	10%					14%
Blue Cross of Idaho Care Plus, Inc	-3%				-4%		5%	New	Disc			Disc
Cigna Health & Life Ins Co	50%				56%	56%	58%					42%
Federal Life Insurance Company	6%				20%		22%					15%
First Health Life & Health Ins Co	11%	16%			17%		17%					18%
Globe Life & Accident Ins Co	0%	-25%	-16%		-16%	-33%	-25%	-33%				-21%
GPM Health & Life Ins Co	-8%	New			-7%		2%					-12%
HumanaDental Ins Co	11%				11%	-20%	11%	-20%	-2%			-2%
ManhattanLife Assurance Co of America	37%				33%		34%					35%
Montana Health Cooperative dba Mountain H	29%				29%		33%					23%
National Health Ins Co	31%				30%	31%	30%					30%
Omaha Ins Co	-15%				-3%	Disc	17%	14%				2%
Regence Blue Shield of Idaho	0%		2%		0%		-1%		-3%			-2%
State Farm Mutual Automobile Ins Co	-3%		1%	-16%	-3%		-16%					-26%
State Mutual Ins Co	22%	47%	25%	27%	25%	21%	27%				21%	22%
Transamerica Life Ins Co	8%	2%	13%	8%	13%		8%		8%	8%	9%	9%
United American Ins Co	5%	-25%	-25%	-36%	-26%	-2%	-32%	6%	-29%	-25%		-28%
United Healthcare Ins Co	-1%	-15%	-15%		-15%		-15%		-15%	-15%		-27%
United Insurance Company of America	26%			24%	22%		22%	22%				22%
United States Fire Insurance Company	33%	33%			66%		33%	33%	32%	32%		33%
USAA Life Ins Co	5%				-5%		-4%					4%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>11%</b>	<b>6%</b>	<b>-2%</b>	<b>1%</b>	<b>12%</b>	<b>9%</b>	<b>11%</b>	<b>3%</b>	<b>-1%</b>	<b>0%</b>	<b>15%</b>	<b>7%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

65 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 65 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	14%				23%		14%					11%
Aetna Health & Life Ins Co	16%	16%			16%	16%	12%					15%
Blue Cross of Idaho Care Plus, Inc	11%				9%		19%	New	Disc			Disc
Cigna Health & Life Ins Co	59%				67%	67%	67%					51%
Federal Life Insurance Company	17%				33%		34%					27%
First Health Life & Health Ins Co	23%	30%			32%		33%					34%
Globe Life & Accident Ins Co	6%	-20%	-10%		-10%	-25%	-19%	-25%				-15%
GPM Health & Life Ins Co	1%	New			3%		12%					-3%
HumanaDental Ins Co	20%				20%	-14%	20%	-14%	6%			6%
ManhattanLife Assurance Co of America	46%				41%		41%					49%
Montana Health Cooperative dba Mountain H	36%				34%		39%					29%
National Health Ins Co	37%				36%	35%	37%					36%
Omaha Ins Co	-10%				2%	Disc	21%	20%				6%
Regence Blue Shield of Idaho	13%		19%		18%		18%		13%			18%
State Farm Mutual Automobile Ins Co	7%		12%	-4%	8%		-3%					-14%
State Mutual Ins Co	28%	28%	37%	33%	36%	33%	32%				27%	27%
Transamerica Life Ins Co	40%	32%	46%	40%	46%		41%		41%	41%	41%	40%
United American Ins Co	9%	-20%	-18%	-29%	-20%	13%	-26%	17%	-22%	-17%		-21%
United Healthcare Ins Co	19%	3%	2%		2%		2%		3%	2%		-13%
United Insurance Company of America	33%			31%	29%		29%	29%				29%
United States Fire Insurance Company	43%	44%			79%		43%	43%	42%	44%		44%
USAA Life Ins Co	16%				7%		9%					19%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>21%</b>	<b>14%</b>	<b>11%</b>	<b>14%</b>	<b>22%</b>	<b>18%</b>	<b>22%</b>	<b>12%</b>	<b>14%</b>	<b>17%</b>	<b>34%</b>	<b>18%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

**AMENDED AGENDA #3**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, January 25, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>18-0000-2100</u></a>	Notice of Omnibus Rulemaking - Amendment to Temporary Rule, p. 115; 18.01.01 - 18.08.01, pp. 119 - 346	Dean Cameron, Director, Idaho Department of Insurance
<a href="#"><u>18-0604-2101</u></a>	Continuing Education (New Chapter) - Proposed Rule, p. 400	Dean Cameron
<a href="#"><u>18-0402-2101</u></a>	Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364	Dean Cameron
<a href="#"><u>17-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 106	Sonnet Robinson, Referee, Idaho Industrial Commission
<a href="#"><u>17-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 43	Sonnet Robinson
<a href="#"><u>28-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, pp. 483 and 491.	Ewa Szewczyk, Grants & Contracts Manager, Idaho Department of Commerce
<a href="#"><u>RS 29060C1</u></a>	Relating to Architects and Landscape Architects	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>RS 29062C1</u></a>	Relating to the Department of Self-Governing Agencies	Tim Frost
<a href="#"><u>RS 29064C1</u></a>	Relating to Dental Hygienists	Tim Frost
<a href="#"><u>RS 29065C1</u></a>	Relating to Abstracters of Title	Tim Frost
<a href="#"><u>RS 29077C1</u></a>	Relating to Professional Engineers and Professional Land Surveyors	Tim Frost
<a href="#"><u>RS 29172</u></a>	Relating to Health Savings Accounts	Senator Thayn
<a href="#"><u>RS 29121C1</u></a>	Relating to Veterans	Mark Tschampl, Chief Administrator, Division of Veteran Services

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 25, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**DOCKET NO. 18-0000-2100** **Notice of Omnibus Rulemaking - Amendment to Temporary Rule**, p. 115; **18.01.01 - 18.08.01**, pp. 119 - 346. **Dean Cameron**, Director, Idaho Department of Insurance (IDOI), reported this was an Omnibus rule and there were no changes.

**MOTION:** **Senator Lakey** moved to approve **Docket No. 18-0000-2100**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0604-2101** **Continuing Education (New Chapter) - Proposed Rule**, p. 400. **Mr. Cameron** reported there were no substantive changes.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 18-0604-2101**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0402-2101** **Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule**, p. 364. **Mr. Cameron** gave a brief background on this rule. He remarked the rule was the result of a combination of two rules related to the complications of pregnancy, adopted, and newborn children. There were no substantive changes. **Mr. Cameron** defined the term "missed abortion" meaning the death of a fetus without expulsion equal to or greater than eight weeks, but not quite a miscarriage. **Mr. Cameron** noted when a woman has a "missed abortion" she would be admitted into the hospital and be treated. This is not a normal abortion.

**DISCUSSION:** **Senator Guthrie** queried if there had been any effort to recognize the sensitive nature of the wording or was there an interchangeable word that was considered. **Mr. Cameron** noted this was a concern and dilemma in the industry. This rule had been adopted for many years and had the IDOI not decided to combine the two rules, this discussion would not have taken place. He indicated if the rule was approved and this section removed, this would create a coverage gap for complications of pregnancy.

**Senator Lakey** remarked this language was problematic. He asked what the practical options were if this portion of the rule was rejected. **Mr. Cameron** stated the IDOI would promulgate an emergency rule.

**Senator Riggs** spoke in support of the rule and stated the term, "missed abortion"

was a medical term that should not be misinterpreted. He cautioned the Committee ran a greater risk of doing a disservice to the people of Idaho. **Mr. Cameron** noted his concern was for the protection of consumers and he would expect in the event of a miscarriage or "missed abortion" the person would have insurance coverage. He remarked this rule tells the insurance company what is expected by the IDOI.

**Vice Chair Souza** remarked that "missed abortion" was commonly called a stillbirth or stillborn. That terminology would connect better with the public. She urged a more colloquial term as "missed abortion" could be misconstrued that an actual abortion would be covered by an insurance policy.

**Senator Burgoyne** queried if the IDOI promulgated a temporary rule or emergency rule after the session, possibly a few more words would be promulgated quickly and solve the problem. **Mr. Cameron** reiterated the goal of the IDOI was to make sure the insurance company clearly knew what had to be covered.

**Senator Agenbroad** expressed a concern if the wording was changed in rule, there was a special code the insurance company used for a "missed abortion." A patient would have the potential for a dispute with the insurance company if the wording was changed or removed. He stated he agreed with Senators Riggs and Burgoyne.

**Vice Chair Souza** and **Mr. Cameron** discussed adding an emergency line to explain the term, "missed abortion." **Mr. Cameron** suggested a slight modification could be put forth in a bulletin to make the term perfectly clear.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0402-2101**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senators Lakey and Martin voted nay.

**DOCKET NO. 17-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 106. **Sonnet Robinson, Referee**, Idaho Industrial Commission (IIC), reported there were no changes.

**MOTION:** **Senator Martin** moved to approve **Docket No. 17-0000-2100**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 17-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 43. **Ms. Robinson** stated there were two changes with only one moving forward relating to the claim reporting process.

**DISCUSSION:** **Vice Chair Souza, Senator Burgoyne, and Ms. Robinson** discussed there was no fee change even though this was a fee rule. The only change was that of requiring an updated version of the software.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 17-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 28-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, pp. 483 and 491; **Ewa Szewczyk**, Grants Manager, Idaho Department of Commerce (IDOC), reported there were no changes.

**MOTION:** **Senator Martin** moved to approve **Docket No. 28-0000-2100**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

- RS 29060C1** **Relating to Architects and Landscape Architects.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), reported this proposed legislation combines the Idaho Board of Architectural Examiners and the Idaho Board of Landscape Architects into a single board to regulate architects, architect interns, landscape architects, and landscape architects in training. This is consistent with past Board consolidation efforts. He stated there was no impact to the General Fund.
- MOTION.** **Senator Burgoyne** moved to send **RS29060C1** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.
- RS 29062C1** **Relating to the Department of Self-Governing Agencies.** **Mr. Frost** remarked consistent with the Occupational Licensing Reform Act, this bill allows for the IDOPL boards or commissions and division staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within division investigations. There is no impact to the General Fund or any dedicated or federal funds. He noted this proposed legislation seeks to simplify the administrative burden of duplicative investigative work and could lead to quicker investigations and processing of licensing complaints.
- DISCUSSION:** **Senator Burgoyne** and **Mr. Frost** discussed circumstances that led to this proposed legislation. **Mr. Frost** stated when a complaint was received there could be three separate investigations with three different boards, especially with the construction trades. **Mr. Frost** remarked the IDOPL desired to be more efficient.
- MOTION:** **Vice Chair Souza** moved to send **RS29062C1** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- RS 29064C1** **Relating to Dental Hygienists.** **Mr. Frost** remarked this proposed legislation removed an outdated extended access licensure endorsement for Idaho licensed dental hygienists working in an extended access setting under the general supervision of a dentist. No statutory licensing or scope-of-practice or services were changed. There is no impact to the General Fund, any dedicated fund, or federal fund because the Board of Dentistry does not currently impose any fees for extended access licensure endorsements.
- MOTION:** **Senator Lakey** moved to send **RS29064C1** to print. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- RS 29065C1** **Relating to Abstracters of Title.** **Chairman Patrick** announced this proposed legislation would be held and not heard.
- RS 29077C1** **Relating to Professional Engineers and Professional Land Surveyors (IPEPLS).** **Mr. Frost** noted this proposed legislative proposal for the IPEPLS aligns several definitions to reduce confusion, provides alternative methods of signing documents, allows new options for a basis of bearings (directions) on surveys, and allows additional options for monuments used as reference on plats and surveys. He stated these new options for signatures, basis of bearings, and reference monuments will reduce repetitive work and lend stability to property boundaries.
- Mr. Frost** indicated there was no impact to the General Fund, any dedicated or federal fund, because these amendments provide additional options for engineers and surveyors in some types of work. Costs will be reduced for consumers for some projects and reduce the number of boundary disputes between adjoining owners.
- MOTION:** **Senator Martin** moved to send **RS29077C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.



**RS 29172** **Relating to Health Savings Accounts (HSA's).** **Chairman Patrick** noted this proposed legislation addressed HSA's for State employees by making it easier for the Idaho Department of Administration (IDOA) to calculate the monthly amounts to be deposited in an employee's HSA. There was no fiscal impact to the General Fund nor State employees because the monies come from existing funding.

**MOTION:** **Senator Lakey** moved to send **RS29172** to print. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**RS 29121C1** **Relating to Veterans.** **Mark Tschampl**, Chief Administrator, Idaho Division of Veteran Services (IDVS), reported this proposed legislation aligns the statute with current practice. The IDVS and the Idaho Division of Human Resources (IDHR) work together to implement veteran's preference protections. The two Divisions will continue to work together to ensure the rights and privileges of veterans. There is no fiscal impact to the General Fund or any dedicated fund as this legislation only aligns statute with current process.

**DISCUSSION:** **Senator Agenbroad** asked if there was any risk in jeopardizing federal funds with this change. **Mr. Tschampl** reported there was no risk.

**Senator Burgoyne** queried if there was any issue required by the State of Idaho with moving this procedure from IDVS to the IDHR relating to federal grants or other funds. **Mr. Tschampl** noted this had been the common practice to work with IDHR and there should be no impact on any funding or projects. **Senator Burgoyne** clarified his question and expressed a concern of the IDVS being out-of-compliance and jeopardizing future funding. He remarked there was nothing in statute to require the IDHR to work with the IDVS. **Mr. Tschampl** remarked this was true. He noted this section only addressed the IDHR if there was a conflict in terms of a veteran's progress or an organization not applying preference to vets. There is no impact on the IDVS or how the IDVS works with the Veteran's Administration. He stated the question has been how did the IDVS work through an issue if there was a conflict for veteran's preferences.

**Vice Chair Souza** asked for clarification on the process for selecting a veteran for a job if a vet and a non-vet were equally or not equally qualified. **Mr. Tschampl** stated the vet would be selected for the position regardless.

**Senator Guthrie** questioned if the move to have IDHR work with the IDVS was requested from the Governor or IDHR. **Mr. Tschampl** stated the request aligned with the modernization of IDHR. **Senator Guthrie** commented he needed to have a clear picture of what part of this move was part of the larger plan. **Mr. Tschampl** stated the move aligned the handling of rare situations by the IDVS for certain scenarios.

**Senator Burgoyne** remarked there was a big change in this proposed legislation because it did not say IDHR had to work with the IDVS. **Mr. Tschampl** remarked the IDVS was involved in these types of situations and traditionally brought issues before the IDHR.

**MOTION:** **Senator Guthrie** moved to send **RS29121C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:46 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, January 27, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of January 18, 2022	Senator Riggs
<b>MINUTES APPROVAL:</b>	Minutes of January 20, 2022	Senator Lakey
<b>PRESENTATION</b>	Your Health Idaho	Pat Kelly, Executive Director, Your Health Idaho

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, January 27, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**MINUTES APPROVAL:** **Senator Riggs** moved to approve the Minutes of January 18, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**Chairman Patrick** noted the Minutes Approval of January 20, 2022 would be heard after the Your Health Idaho (YHI) presentation.

**PRESENTATION:** **Your Health Idaho. Pat Kelly**, Executive Director, YHI, highlighted the changes and outlined the year for YHI (Attachment 1). He gave an extensive summary of the key accomplishments, 2021 by the numbers, the year in review, open enrollment 2022, and looking ahead.

**DISCUSSION:** **Chairman Patrick** remarked YHI has saved Idaho \$41 million. He asked Mr. Kelly to explain how YHI had added revenue in comparison to other states. **Mr. Kelly** stated savings are difficult to measure as not all states earn revenue in the same way YHI does. Some states have a portion of state funding with a fixed amount per person.

**Senator Ward-Engelking** related an incident where a constituent had been on the phone with YHI for several days regarding insurance coverage. The insurance company threatened to cancel the policy. **Mr. Kelly** reported YHI has worked with the Idaho Department of Insurance (IDOI) and the insurance carriers to ensure no one would be cancelled due to a backlog.

In response to a question from Vice Chair Souza, **Mr. Kelly** gave a brief overview of the impact the job market had on YHI with respect to those who have left the job market. **Mr. Kelly** noted there was a slight increase in enrollment on the Exchange due to this phenomenon.

**Senator Martin** queried how the Idaho State Exchange compared to those states using the federal system. **Mr. Kelly** noted the state-based Exchange was about local control. The big differential in Idaho is the partnership with the IDOI and bringing in competition that is unprecedented for the size of Idaho. Agents and brokers are the cornerstone of the success of YHI, almost doubling the rate of agent engagement compared to any other state across the country.

**Senator Agenbroad** stated \$41 million was saved by Idahoans relative to the assessment fee compared to the federal program. He queried what was

the current assessment fee in Idaho and the current federal assessment. **Mr. Kelly** reported the federal fee for fiscal year (FY) 2022 is 2.75 percent and YHI is 2.29 percent. **Senator Agenbroad** asked what type of impact the technical changes had on the assessment fee. **Mr. Kelly** explained the technology change allows real time eligibility on the Exchange. He stated he was not anticipating any change in the assessment fee, but will re-evaluate the fee next year.

**MINUTES  
APPROVAL:**

**Senator Lakey** moved to approve the Minutes of January 20, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:01 p.m.

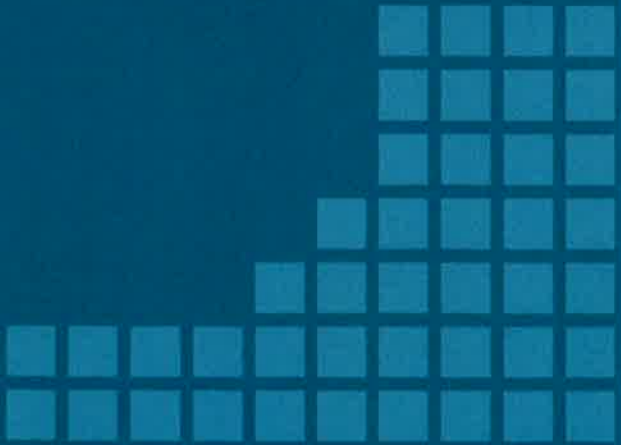
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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

ATTACHMENT 1  
January 27, 2022





# Executive Summary

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- Key accomplishments
- 2021 by the Numbers
- Year in Review
- Open Enrollment 2022
- Looking Ahead

## OUR MISSION

Maintain maximum control of Idaho's health insurance marketplace at minimal cost to its citizens.





# Key Accomplishments

# 2021 Key Accomplishments

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**2021 AVERAGE ENROLLMENT:**

**75,000 IDAHOANS**

**ONE IN THREE ENROLLED IDAHOANS:**

**PAID \$0/MONTH**

- Upon passage of the American Rescue Plan Act, Your Health Idaho was one of the first state-based marketplaces to implement the enhanced tax credits for both existing and potential enrollees. Net premiums saw an average of 36% reduction after implementation
- Your Health Idaho operating costs remain the lowest of all state-based exchanges while also maintaining a lower assessment fee than the federal marketplace, saving Idahoans nearly \$41 million through 2021.



# Your Health Idaho by the Numbers

# Your Health Idaho by the Numbers



## 2021 Enrollment Highlights

### AGE



### GENDER



# Your Health Idaho by the Numbers

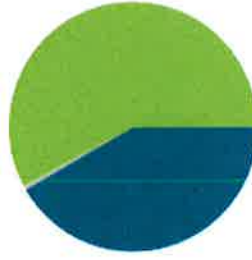


## 2021 Financials



### REVENUE

Assessment Fee Revenue	\$9.4
Rent Revenue	\$0.9
Other Revenue	\$0.1
<b>TOTAL REVENUE</b>	<b>\$10.3</b>



### EXPENSES

Operating Expenses	\$8.8
Other Expenses	\$0.3
Capital Expenditures	\$0.6
<b>TOTAL EXPENSES</b>	<b>\$9.7</b>

### ASSETS

Cash and Cash Equivalents	\$10.0
Property and Equipment	\$7.2
Other Assets	\$0.1
<b>TOTAL ASSETS</b>	<b>\$17.3</b>

### LIABILITIES

\$0.7



# Year in Review

# Providing a Path to Coverage, the Idaho Way

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- 2021 began with a new administration and a 90-day Special Enrollment Period for the federal marketplace
  - Your Health Idaho worked with state partners to find the best solution for Idaho and Idahoans
  - Opened a one-month Special Enrollment Period during the month of March for uninsured Idahoans to get covered at a critical time in the pandemic
- American Rescue Plan Act (ARPA) was passed in March 2021 and included far-reaching impacts to the Affordable Care Act and Your Health Idaho
  - Expanded tax credits meant more Idahoans were now eligible for a monthly tax credit, and existing enrollees would see even greater savings
  - Existing customers saw, on average, a 36% reduction in their monthly premium
- Working with our partners at the Idaho Department of Health and Welfare and GetInsured, Idaho was one of the first states to implement the expanded tax credits, and at a fraction of the cost
- As of May 1, 2021, an additional 8,000+ Idahoans had gained coverage for the remainder of the year

# Striving for Excellence in Customer Service

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**YOUR HEALTH IDAHO  
OVERALL GOAL:**

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**A FLAWLESS  
CUSTOMER  
EXPERIENCE**

- Less than three weeks after the passage of ARPA, Your Health Idaho implemented the expanded tax credits
  - On April 1, current customers were able to view updated monthly tax credits and potential customers could shop with updated eligibility
- Your Health Idaho began the process of bringing customer support for APTC eligibility in-house in the summer of 2021
  - Your Health Idaho worked closely with the Idaho Department of Health and Welfare to understand the requirements and necessary support
- Increased demand during open enrollment and seasonal staffing challenges, on top of a new workstream, resulted in a less than perfect open enrollment
  - Your Health Idaho continues to work through the backlog and is committed to making things right for our customers and partners



# Partnering with Experts

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- More than 800 Consumer Connectors completed certification training in 2021
  - Approximately 75% of all enrollments are completed with help from a Consumer Connector
- Annual fall training was held virtually, leveraging lessons learned from the previous year
  - Easily accessible for Consumer Connectors in rural areas
  - Feedback was positive and the trainings were well-attended
- In partnership with GetInsured, the Broker Mobile App was launched in 2021, allowing agents to better serve their clients on the go



# Connecting with Idahoans

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- In-person outreach continues to evolve along with the changing landscape of the pandemic
- Using lessons learned from the previous year, Your Health Idaho continues to grow our virtual presence
  - E-materials and short videos provide information and resources to statewide partners
  - Virtual education classes were offered throughout the year across several different community education platforms
- Fiscally conservative but effective paid media campaign helped promote the Special Enrollment Periods, ensuring Idahoans knew where to go for coverage



# Investing in the Your Health Idaho Brand

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- Two-part messaging survey was conducted in the spring of 2021
- The surveys were intended to determine exchange awareness among target audiences and what messages would be most effective to communicate with those audiences
- Working with Drake Cooper, Your Health Idaho launched the “Health, Yeah” campaign ahead of the 2022 open enrollment period
- Following the campaign launch, Your Health Idaho saw the highest single-day on-site activity in the history of the exchange





# Open Enrollment 2022



# Open Enrollment 2022

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## September

- Molina Healthcare of Idaho and EMI Health join the Idaho exchange for plan year 2022
- Your Health Idaho Board of Directors certifies a record number of plans; 164 medical and 17 dental

## October

- Anonymous shopping begins, 2022 plans and prices available for preview
- Renewal process begins, 99.9% completed by Nov. 1
- More than 800 agents, brokers, and enrollment counselors completed certification

## November/December

- Open Enrollment for 2022 coverage begins and runs Nov. 1 – Dec. 15, 2020
- Your Health Idaho extends deadline to Dec. 22 due to application and customer support delays

# Open Enrollment 2022: Results

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- Despite customer support challenges, more than 85,000 Idahoans enrolled through Your Health Idaho
  - Renewals: 85%, New customers: 15%
- Increase of approximately 12,000 enrollments from December 2021
- Nearly 90% of customers had paid for coverage by the end of open enrollment, indicating strong likelihood of maintaining coverage
- Approximately 24% of enrollments have had a plan since 2014 when Idaho transitioned from federal platform

## ENROLLMENT SNAPSHOT: JAN 2022

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**73,000: Medical Enrollments**

**12,000: Dental Enrollments**

**85,000: Total Enrollments**



# Looking Ahead

# Looking Ahead

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## Financial and Operational Planning

Ensure we have the right resources to execute on our plans

## Real-time Eligibility

Make Your Health Idaho a true one-stop-shop for coverage

## Always On Advertising

Grow brand awareness and reach new audiences

## Community Relations

Forge and strengthen relationships around the state

## Connector Network Growth

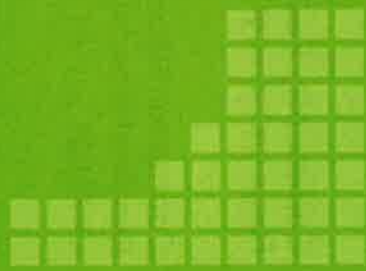
Repair relationships and reinforce benefits of the Idaho exchange

## Open Enrollment Dates

Work with state partners to find the best options for Idaho and Idahoans







# Delivering for Idahoans

# Delivering for Idahoans

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Local control of the Idaho marketplace place delivers on the original vision of the legislature to establish a state exchange.

 Your Health Idaho maintains the **lowest operating costs** of all state-based exchanges while achieving the one of the **highest per-capita enrollment rates**

 Stability and competition in the Idaho marketplace continues to ensure **choice for Idahoans** with a **record number of plans** offered in 2021

 **Lower assessment fee** than the federal marketplace has **saved Idahoans \$41M** through 2021

Your Health  
**IDAHO**  
.ORG

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 01, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of January 25, 2022	Senator Guthrie
<a href="#"><u>S 1236</u></a>	HEALTH SAVINGS ACCOUNTS - Amends existing law to revise provisions regarding the state contribution to a state employees' health savings accounts.	Senator Thayn
<b>INTRODUCTION(S):</b>	American Rescue Plan Act of 2021 (ARPA)	Senator Patrick
<b>DOCKET NO.:</b>		
<a href="#"><u>48-0101-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Idaho Grape Growers and Wine Producers Commission, p. 600	Brenna Christison Smith, Operations & Finance Manager Idaho Wine Commission
<a href="#"><u>S 1232</u></a>	ARCHITECTS AND LANDSCAPE ARCHITECTS - Amends existing law to provide for the Board of Architects and Landscape Architects.	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1233</u></a>	OCCUPATIONAL LICENSING - Adds to existing law to provide for the confidentiality of investigation records.	Tim Frost
<a href="#"><u>S 1234</u></a>	DENTISTS - Amends existing law to remove a certain endorsement regarding dental hygienists.	Tim Frost
<a href="#"><u>S 1235</u></a>	ENGINEERS AND LAND SURVEYORS - Amends existing law to update definitions and to provide additional options for monuments used as references on plats and surveys.	Tim Frost

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COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

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Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, February 01, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**Chairman Patrick** announced the Minutes Approval would be moved to a later time on the agenda.

**S 1236** **HEALTH SAVINGS ACCOUNTS - Amends existing law to revise provisions regarding the state contribution to a state employees' health savings accounts.** **Senator Thayn** noted this legislation addressed Health Savings Accounts (HSA's) for State employees by making it easier for the Idaho Department of Administration (IDOA) to calculate the monthly amounts deposited in an employee's HSA. **Senator Thayn** reported there was no fiscal impact to the General Fund nor to State employees because the monies came from existing funding. He pointed out the language on lines 29 through 33 of the bill stated "the employer shall deposit no more than the difference between the employer premium of the lowest deductible group health plan offered by the IDOA in the HSA established and created by an officer or employee enrolled in a State of Idaho high-deductible health plan."

**DISCUSSION:** **Senator Agenbroad** asked if an HSA plan should be put in place prior to this legislation. **Senator Thayn** remarked there was already an approved HSA plan and the IDOA had to put a plan in place. **Vice Chair Souza** and **Senator Thayn** discussed why there was a delay in implementing HSAs.

**MOTION:** **Vice Chair Souza** moved to send **S 1236** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Guthrie** moved to approve the Minutes of January 25, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**INTRODUCTION(S):** **American Rescue Plan Act of 2021 (ARPA).** **Chairman Patrick** pointed out there was a a handout in the agenda folders for future discussions at other Committee meetings. More information would be forthcoming.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**DOCKET NO. 48-0101-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Idaho Grape Growers and Wine Producers Commission, p. 600.** **Brenna Christison Smith**, Operations and Finance Manager, Idaho Wine Commission, reported there were no changes to the rule.

**MOTION:** **Senator Lakey** moved to approve **Docket No. 48-0101-2100F**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**S 1232** **ARCHITECTS AND LANDSCAPE ARCHITECTS - Amends existing law to provide for the Board of Architects and Landscape Architects.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), stated this legislation combined the Idaho Board of Architectural Examiners (IBOAE) and the Idaho Board of Landscape Architects (IBLA) into a single board of seven members to regulate architects, architect interns, landscape architects, and landscape architects in training. **Mr. Frost** noted this seven-board member approach was consistent with past board consolidation efforts with engineers/land surveyors and barbers/cosmetology.

**DISCUSSION:** **Vice Chair Souza** and **Mr. Frost** discussed the makeup of the new board.

**TESTIMONY:** **Benn Brocksome**, American Institute of Architects Idaho, testified in support of the bill. He pointed out there was a letter of support sent to the Committee (Attachment 1).

**MOTION:** **Senator Riggs** moved to send **S 1232** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**S 1233** **OCCUPATIONAL LICENSING - Adds to existing law to provide for the confidentiality of investigation records.** **Mr. Frost** asked to have this bill held in Committee. There were no objections.

**S 1234** **DENTISTS - Amends existing law to remove a certain endorsement regarding dental hygienists.** **Mr. Frost** stated this legislation amended existing law to remove an endorsement regarding dental hygienists. He noted under current law, a licensed dental hygienist working outside the traditional dentistry office setting was required to obtain a second extended access endorsement license in addition to the baseline dental hygienist license. **Mr. Frost** indicated this legislation did not change any statute requirements related to a dental hygienist working under the supervision of a dentist nor did it change the scope of practice or services that a dental hygienist may provide.

**DISCUSSION:** **Senator Burgoyne** asked what the original intent was of the legislation and was there a concern. **Mr. Frost** explained this law removed an outdated requirement.

**TESTIMONY:** **Elizabeth Criner**, Idaho State Dental Association (ISDA), testified in support of the bill. She stated the dentist was still responsible for ensuring the hygienist performed the work included in the written orders for patients. She noted there was wide support from the ISDA.

**Michael McGrane**, Idaho Dental Hygienists Association, testified in support of the bill. He remarked the expansion of access to good dental care for a wide range of patients was essential.

**MOTION:** **Senator Lakey** moved to send **S 1234** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**S 1235**

**ENGINEERS AND LAND SURVEYORS - Amends existing law to update definitions and to provide additional options for monuments used as references on plats and surveys.** **Mr. Frost** reported this legislation aligned several definitions to reduce confusion, provided alternative methods of signing documents, allowed new options for a basis of bearings (directions) on surveys, and allowed additional options for monuments used as references on plats and surveys. He stated these new options for signatures, basis of bearings, and reference monuments reduced repetitive work and lent stability to property boundaries.

**TESTIMONY:**

**Tom Judge**, Idaho Society for Professional Land Surveyors (ISPLS), testified in support of the legislation. He noted the legislation had widespread community support.

**DISCUSSION:**

**Vice Chair Souza** asked if the change was well received by the industry. **Mr. Judge** remarked the ISPLS came up with the idea and there was widespread support.

**MOTION:**

**Senator Martin** moved to send **S 1235** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:02 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



# AIA Idaho

January 26, 2021

Dear Chairman and Committee,

The Idaho Chapter of the American Institute of Architects (AIA Idaho) is writing this letter to officially express our support for the Senate Bill 1042 currently under review by the Commerce and Human Resources Committee.

AIA Idaho governing board represents over 360 AIA members across Idaho whose main professional concern is that our public infrastructure and private buildings provide safe and healthy environments. The American Institute of Architects is the national organization of design professionals whose mission is to ensure that the health, safety and welfare of the public are protected through quality design and construction practice and by industry regulations that promote quality and accountability.

The proposed revisions to the QBS Law, SB 1042 ensure that the Qualifications Based Selection legislation originally enacted in 1976 remains adequate and relevant. The revised language requires all public agencies to protect the public interests and welfare by using the proper qualifications based and not the cost-based selection process of the design, engineering, survey and landscaping professionals for any project with service fees over \$50,000 that requires public funding.

We strongly encourage you to support the adoption of the SB 1042. This revised act will continue ensuring that the governmental selection of the contractors is a consistent and fair process, which supports transparency, accountability and the highest quality of the public projects. The \$25,000 increase in the service /contract fee will bring the QBS law up to date.

The updated QBS process will continue serving the building industry of Idaho and remain the foundation of a consistently safe infrastructure as the local public demands and deserves.

Sincerely,

Chad Blincoe

Digitally signed by Chad Blincoe  
DN: cn=Chad Blincoe, o=Blincoe Architecture,  
ou, email=chad@blincoearchitecture.com, c=US  
Date: 2021.01.26 10:35:47 -0700

Chad Blincoe, AIA  
President  
Idaho Chapter of the American Institute of Architects (AIA Idaho)

*Ben Brocksome*  
*Attachment 1*

*2/1/2022*



AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 03, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of January 27, 2022	Senator Martin
<b><a href="#">RS 29257</a></b>	Relating to Insurance	Senator Riggs
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Brett Thomas to the Idaho Health Insurance Exchange Board	Brett Thomas, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Karan Tucker to the Idaho Health Insurance Exchange Board	Karan Tucker, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Gregory Donaca to the Idaho Health Insurance Exchange Board	Gregory Donaca, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Janice Fulkerson to the Idaho Health Insurance Exchange Board	Janice Fulkerson, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Kevin Settles to the Idaho Health Insurance Exchange Board	Kevin Settles, Your Health Idaho

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
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MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, February 03, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Vice Chair Souza** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:32 p.m.

Minutes Approval was moved to later on the agenda.

**RS 29257** **Relating to Insurance.** **Senator Riggs** introduced this proposed legislation indicating the problem of phantom insurance and reduced payments for benefits paid by others would be eliminated. He explained when a citizen purchased motor vehicle under-insurance coverage, the purchaser received the stated benefit provided on the declarations page. **Senator Riggs** noted an insurance company that received a premium for underinsured coverage was prevented from taking credit for the benefits paid by other's insurance companies. Benefits recoverable to the purchaser's actual losses or the amount of coverage purchased would be limited. Some motor vehicle insurance companies already voluntarily provided this type of coverage, and premium rates were competitive with companies that did not currently adhere to this policy.

**MOTION:** **Senator Martin** moved to send **RS 29257** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Brett Thomas to the Idaho Health Insurance Exchange Board (IHIEB)**, of Twin Falls, Idaho, term commencing April 4, 2021 and expiring April 10, 2025. **Mr. Thomas** gave a brief overview of his background and job history. **Mr. Thomas** noted he brought a unique perspective as an insurance broker to the IHIEB.

**DISCUSSION:** In response to questions from the Committee, **Mr. Thomas** noted that because of his background in the restaurant industry, a degree in psychology, and eventually becoming an insurance agent, he brought a variety of experience to the IHIEB. He stated Idaho was unique with the relationship Your Health Idaho (YHI) had with agents and clients. He remarked YHI led the way for state exchanges.

**Mr. Thomas** and **Senator Agenbroad** discussed the delay in sign-ups this year and how the issues were handled with the extension of open enrollment. **Mr. Thomas** related one of his greatest privileges was to serve on the IHIEB and that granted him a different perspective of YHI. He stated the team at YHI had personally taken an interest in how much they wanted to accomplish.

**Chairman Patrick** noted in the interest of time, all votes on Gubernatorial Reappointments would take place on Tuesday, February 8, 2022.

**MINUTES APPROVAL:** **Senator Martin** moved to approve the Minutes of January 27, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Karan Tucker to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 4, 2021 and expiring April 10, 2025. **Ms. Tucker** gave a brief overview of her background and job history. **Ms. Tucker** stated she represented constituents and the non-profit sector. She noted access to health insurance was essential.

**DISCUSSION:** In response to questions by the Committee, **Ms. Tucker** remarked she learned what happened behind the scenes at YHI and that gave her hope and more confidence people could access insurance more easily. She noted more people have control over their health insurance and YHI was a good way for those who gained success to step up.

**Senator Burgoyne** and **Ms. Tucker** discussed the perspective brought to the IHIEB from her experience with outreach across the State.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Gregory Donaca to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Mr. Donaca** stated he brought unique insights into the IHIEB from the carrier and oral health side. He was vice chair of the Finance Committee for the IHIEB. He noted YHI did a great job and he was looking forward to serving on the IHIEB.

**DISCUSSION:** **Senator Lakey** queried how YHI used technology and what was projected for the future. **Mr. Donaca** stated the overall platform was utilized for the YHI Exchange. Because YHI had to deal with people working remotely, security was of the utmost priority.

**Senator Martin** and **Mr. Donaca** discussed Mr. Donaca's background in technology and the accounting field.

**Vice Chair Souza** commented she was surprised to see Delta Dental listed on the YHI Exchange as a product since Delta Dental was the only dental health provider. She asked if the reduction in price was the same as other products on the YHI Exchange. **Mr. Donaca** noted fees were reduced for children, with the product being offered at a lower amount.

**Senator Burgoyne** and **Mr. Donaca** discussed how outreach was done through the carriers. **Mr. Donaca** remarked YHI worked with carriers to remind people of the outreach program, but more could be done.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Janice Fulkerson to the Idaho Health Insurance Exchange Board (IHIEB)** of Meridian, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Ms. Fulkerson** remarked she enjoyed serving on the IHIEB as vice chair of the Marketplace Committee. She had a broad range of connectivity for all components of the IHIEB. She noted the YHI Exchange focused on the impact of the low-cost promise.

**DISCUSSION:** **Vice Chair Souza** and **Ms. Fulkerson** discussed how the IHIEB handled access to services for those with addictions.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Kevin Settles to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Mr. Settles** advised the Committee it was very rewarding to have served on the IHIEB.

**DISCUSSION:** **Senator Martin** and **Mr. Settles** discussed his background in management and community service.

**Senator Burgoyne** commented Mr. Settles set the standard for community service in all of Idaho and should be recognized as setting a tone for the community.

**Chairman Patrick** pointed out there was a handout from the Joint-Finance and Appropriations Committee regarding the American Rescue Plan (ARPA) Funds. He urged the Committee to read and understand the issue. He remarked there would be a presentation next week to explain the funds.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:26 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 08, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board	Darin DeAngeli - PERSI Board
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Stephen Weeg to the Idaho Health Insurance Exchange Board	Stephen Weeg, Your Health Idaho, Idaho Health Insurance Exchange Board
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Peter Sorensen to the Idaho Health Insurance Exchange Board	Peter Sorensen, YHI, Idaho Health Insurance Exchange Board
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Hyatt Erstad to the Idaho Health Insurance Exchange Board	Hyatt Erstad, YHI, Idaho Health Insurance Exchange Board
<a href="#"><u>RS 29382</u></a>	Relating to Motor Vehicle Insurance	Senator Guthrie
<a href="#"><u>RS 29065C2</u></a>	Relating to Abstractor's of Title	Tim Frost, Deputy Administrator, Idaho Division of Occupational & Prof. Licenses
<a href="#"><u>S 1260</u></a>	INSURANCE - Adds to existing law to provide that health benefit plans and student health benefit plans covering prescription contraception must provide reimbursement for a six-month supply except under certain circumstances. Consideration of Sending S 1260 to the Floor for Re-Referral	Senator Wintrow
<a href="#"><u>H 450</u></a>	EMPLOYMENT SECURITY LAW - Amends existing law to provide base tax rates for certain years.	Jani Revier, Director, Idaho Department of Labor

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick

Vice Chairman Souza

Sen Martin

Sen Lakey

Sen Guthrie

Sen Agenbroad

Sen Riggs

Sen Ward-Engelking

Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz

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MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, February 08, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:35 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Reappointment of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles** to the Idaho Health Insurance Exchange Board (IHIEB). **Chairman Patrick** asked the Committee if there were any objections to approving the gubernatorial reappointments. There were none.

**MOTION:** **Senator Guthrie** moved to send the Gubernatorial Reappointments of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles to the IHIEB with the recommendation they be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board (PERSI).** **Mr. DeAngeli** gave a brief overview of his background. He noted the PERSI fund had grown since he became a member of the PERSI Board. He noted with the second PERSI Board meeting in 2019, PERSI had embarked upon a governance project where all structures and processes were examined to modernize and fill gaps where necessary. He stated the process was nearly complete and PERSI had recently adopted funding guidelines to ensure the focus was to maintain a stable system, minimize contribution rate increases, and provide discretionary cost-of-living adjustments. The long-term rate of return was lowered from 7 percent to 6.3 percent in order to maintain a stable system. He remarked the PERSI Board was committed to maintain and improve system performance for the benefit of the members.

**Mr. DeAngeli** stated PERSI was recognized as one of the top performing retirement plan systems in the United States.

**DISCUSSION:** **Vice Chair Souza** queried what part of the last two years had changed his expectations. **Mr. DeAngeli** remarked he was well-prepared by three other board members prior to joining the PERSI Board and expected to be surprised at any time.

**Senator Lakey** and **Mr. DeAngeli** discussed some of the challenges facing PERSI in the next few years, including a proposed third class of membership for the PERSI system.

**Senator Guthrie** and **Mr. DeAngeli** discussed the strength of the stock market and how that would affect PERSI long-term investments.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Stephen Weeg to the IHIEB.** **Stephen Weeg** testified remotely. He gave a brief overview of his background. He said the IHIEB was one of the best boards he had served. He said the mission of the IHIEB was to give maximum control to the marketplace. He remarked he had enjoyed the last nine years and looked forward to the future.

**DISCUSSION:** The Committee praised Mr. Weeg for his work on the IHIEB and his willingness to serve to make the IHIEB successful.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Peter Sorensen to the IHIEB.** **Peter Sorensen** gave a brief overview of his background. He noted he had worked at Blue Cross of Idaho for the past 37 years. He said he became involved in the IHIEB in 2012 when Your Health Idaho was being formed.

**Chairman Patrick** announced the gubernatorial vote would take place at the next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Hyatt Erstad to the IHIEB.** **Hyatt Erstad** gave a brief overview of his background. He noted he was involved with the IHIEB when it was first formed. He filled the agent consultant role on the IHIEB. He noted the IHIEB had saved a significant amount of money for fellow Idahoans and administered the program for less than the federal government.

**DISCUSSION:** The Committee thanked Mr. Erstad for his service and for bringing all of his knowledgeable background to the IHIEB.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.



**RS 29382**

**Relating to Motor Vehicle Insurance.** **Senator Guthrie** reported this proposed legislation was a compromise that required underinsured motor vehicle coverage be excess only at coverage levels that were less than two times the minimum liability limit, while still allowing either offset or excess coverage at higher limits. Minimum liability limits in Idaho were \$5,000 per person and \$50,000 per accident. He stated that particularly at higher limits of coverage, there was a significant price increase for excess coverage. It was important to preserve the availability of both offset and excess coverage.

**Senator Guthrie** indicated underinsured motor vehicle insurance had a difference in limits referred to as offset coverage or excess coverage. The debate regarding underinsured motor vehicle coverage had centered around whether both the offset and excess varieties should be allowed or if offset coverage should be prohibited and excess coverage be mandated.

**Senator Guthrie** remarked it appeared 31 states allowed both offset and excess coverage and 16 states mandated excess only and did not allow offset coverage.

He noted there was no fiscal impact to the General Fund as this legislation applied to insurance companies who provided motor vehicle insurance policies. He gave an example of a price impact in Oregon when offset coverage was prohibited and excess coverage was mandated in 2016 and that resulted in large price increases for underinsured motor vehicle coverage.

**Senator Guthrie** cited the February 1, 2022 Idaho Supreme Court decision relating to underinsured motor vehicle coverage at the minimum limits. This proposed legislation was aligned with the Idaho Supreme Court decision.

**MOTION:**

**Senator Agenbroad** moved to send **RS 29382** to print. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**RS 29065C2**

**Relating to Abstractor's of Title.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), stated this proposed legislation eliminated inactive provisions of law and repealed an outdated section of Idaho Code, Abstractor's of Title, that repealed Chapter 1, Title 54 and amended Idaho Code § 63-307. **Mr. Frost** indicated the statute chapter had not been updated since 1963 and was no longer in use.

**MOTION:**

**Senator Lakey** moved to send **RS 29065C2** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**S 1260**

**INSURANCE - Adds to existing law to provide that health benefit plans and student health benefit plans covering prescription contraception must provide reimbursement for a six-month supply except under certain circumstances. Consideration of Sending S 1260 to the Floor for Re-Referral.**

**MOTION:**

**Senator Martin** moved that **S 1260** be sent to the floor for Re-Referral. **Senator Lakey** seconded the motion.

**DISCUSSION:**

**Senator Martin** noted this bill originated in the Senate Health and Welfare Committee and was assigned in error to this Committee. **Vice Chair Souza** remarked this was an issue that was assigned to this Committee because it involved insurance. **Senator Martin** stated there was a problem across the rotunda last year and the intent this year was to hear this bill in the House Health and Welfare Committee.

**VOTE ON MOTION:** There were no objections to the motion that **S 1260** be sent to the floor for Re-Referral.

**H 450**

**EMPLOYMENT SECURITY LAW - Amends existing law to provide base tax rates for certain years.** **Jani Revier**, Director, Idaho Department of Labor, gave a brief overview of how unemployment insurance taxes were set. She said this bill froze the 2021 base of unemployment insurance tax rate for 2022 and 2023. **Ms. Revier** reported Idaho Code § 72-1350 established the formula to determine the unemployment insurance tax rate for each business. She outlined the formula and how it worked. She noted the code requirements and how businesses were ranked.

**Ms. Revier** summarized how the base tax rate was used to determine the tax rate for each rate class. Businesses with the highest positive experience rating were assigned the lowest tax rate, while deficit-rated employers paid a significantly higher rate. Due to the pandemic, there was a tremendous increase in people applying for and receiving unemployment insurance benefits. She reported due to this historic draw on the trust fund, the base tax rate was forecast to increase by 77 percent to keep the fund solvent. She noted in order to prevent a large tax increase for Idaho employers, the Governor approved a \$200 million transfer of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to the Unemployment insurance (UI) Trust Fund. Transfer of CARES Act funding allowed for a one-time base tax decrease of 18.5 percent in 2021, but the formula triggered a corresponding increase in 2022 to keep fund solvency levels where they needed to be.

**Ms. Revier** remarked by freezing the 2021 base rate for two years, there would not be a spike in rates for 2022 followed by a steep decline in 2024. Rates would remain level through this time period and the trust fund would remain solvent. She pointed out the benefits for businesses (Attachment 1).

**Ms. Revier** stated there was no fiscal impact to the General Fund as these changes pertained to the UI program and the associated UI trust fund. The impact to the trust fund would be a decrease of \$20 million in 2022 and \$44 million in 2023.

**DISCUSSION:** **Senator Burgoyne** asked for clarification on looking towards the third year and asked if the \$64 million would be returned or was it needed for solvency. **Ms. Revier** reported if the \$64 million was collected over the next two years, there would be a steep decline for solvency purposes and it would not be needed. The legislation proposed to make the rate constant over the next three years. She stated after that the formula would take over. Fluctuation would be seen for whatever the new solvency level was necessary to meet with the new 20-year look-back and would be slightly less than now.

**MOTION:** **Senator Burgoyne** moved to send **H 450** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:25 p.m.

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Senator Patrick  
Chair

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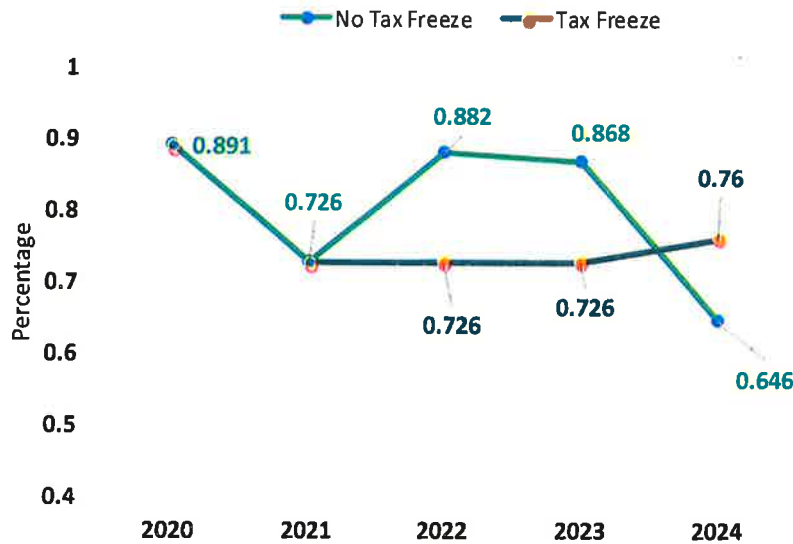
Linda Kambeitz  
Secretary



## HB450 Unemployment Insurance Tax Rate Stability

- Immediate savings to employers comes from not collecting \$64 million over 2022-23 while the tax freeze is in effect.
- The tax formula, as enacted in code, takes into consideration the cost of providing benefits by looking back over the past 20 years of costs on a rolling years system. Because of this system, over the next two years the high cost years from the 2001-2002 recession will drop off and no longer be a component affecting the tax rate calculation.
- Freezing rates for two consecutive years do not change the fund’s solvency. Employers could get rate stability over a two- or three-year period at a record-low tax rate before the fund re-adjusts itself to fresher 20-year costs.
- Consistent tax rates provide the business community with expense predictability. A lower tax rate helps employers manage cost expectations, incentivizing growth and creating opportunities for economic expansion.

**Employer Base Tax Rates**



\$64 million savings	
2022	2023
\$20 million	\$44 million

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 10, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 1, 2022	Senator Ward-Engelking
<b>MINUTES APPROVAL:</b>	Minutes of February 3, 2022	Senator Agenbroad
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Stephen Weeg and Hyatt Erstad to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Peter Sorensen to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board	Senator Patrick
<a href="#"><u>RS 29480</u></a>	Relating to Banking Interchange Fees	Senator Harris
<a href="#"><u>RS 29406</u></a>	Relating to Employment Contracts	Senator Ward-Engelking
<a href="#"><u>RS 29408</u></a>	Stating Findings of the Legislature and Rejecting a Certain Rule of the Idaho Department of Labor to Unemployment Insurance Benefit Administrative Rules	Senator Patrick
<a href="#"><u>RS 29417</u></a>	Relating to the Consumer Protection Act	Senator Vick
<a href="#"><u>RS 29505</u></a>	Relating to the Idaho Credit Union Act	Ryan Fitzgerald, Vice President, Legislative Affairs, Idaho Northwest Credit Union Association
<a href="#"><u>RS 29521</u></a>	Relating to Architect Mutual Recognition Agreements	Senator Riggs
<a href="#"><u>RS 29033</u></a>	Relating to the Idaho Division of Occupational and Professional Licenses -To Change Division References	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>RS 29471</u></a>	Relating to the Department of Self-Governing Agencies	Tim Frost

**RS 29522**

Relating to Consumer Protection

Robert VandeMerwe,  
Executive Director,  
Idaho Health Care  
Association

**GUBERNATORIAL REAPPOINTMENT:** Committee Consideration of the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board

Margaret Henbest

**S 1244**

OCCUPATIONAL LICENSING - Amends and repeals existing law to authorize the administrator of the Division of Occupational and Professional Licenses to establish advisory committees.

Tim Frost

**S 1237**

VETERANS - Amends existing law to authorize the Division of Human Resources to issue certain rules.

Mark Tschampl, Chief  
Administrator, Idaho  
Division of Veteran  
Services

**PRESENTATION:** American Rescue Plan Act (ARPA) Funds Relating to Commerce and Human Resources

Alex Adams,  
Chief Financial  
Officer, Idaho  
Division of Financial  
Management

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, February 10, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**MINUTES APPROVAL:** **Senator Ward-Engelking** moved to approve the Minutes of February 1, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Agenbroad** moved to approve the Minutes of February 3, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Vice Chair Souza** moved to send the gubernatorial reappointment of Stephen Weeg and Hyatt Erstadt to the Idaho Health Insurance Exchange Board (IHIEB) to the floor with the recommendation they be confirmed. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Riggs** moved to send the gubernatorial appointment of Peter Sorensen to the IHIEB to the floor with the recommendation he be confirmed. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Darin DeAngeli to the Public Employees Retirement System Board to the floor with the recommendation he be confirmed. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**Chairman Patrick** commented because there were so many RS's before the Committee, he asked if a motion was in order.

**MOTION:** **Senator Guthrie** moved to send **RS 29480, RS 29406, RS 29408, RS 29417, RS 29505, RS 29521, RS 29033, RS 29471, and RS 29522** to print. **Senator Riggs** seconded the motion. There were no objections.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board (IHIEB).** **Ms. Henbest** testified remotely. She gave a brief overview of her background. She noted she had been with the IHIEB since the inception. Because she was a former legislator and a nurse practitioner, she stated she had a passion and an interest in health insurance. She said she was proud that over 75,000 people had affordable insurance because of the IHIEB. **Ms. Henbest** emphasized it was her privilege to serve as the Chair of the Governance Committee and to mentor others moving into that position.

**DISCUSSION:** **Senator Burgoyne** commented Ms. Henbest's qualifications were superb and the Committee was very appreciative of her service.

**Chairman Patrick** noted the Committee would vote at the next meeting.

**S 1244**

**OCCUPATIONAL LICENSING - Amends and repeals existing law to authorize the administrator of the Idaho Division of Occupational and Professional Licenses (IDOPL) to establish advisory committees as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the IDOPL.** **Tim Frost**, Deputy Administrator, IDOPL, reported this proposal repealed the requirement for the establishment of an advisory committee for advanced practice registered nurses. He indicated there were two letters of support from the nurses (Attachments 1 and 2). The IDOPL administrator would be allowed to continue and refine current advisory committees, establish new volunteer advisory committees, and discontinue advisory committees no longer needed. He noted the creation of any new advisory committees would work in conjunction with the boards and commissions, as well as the sunrise and sunset procedures established by the Idaho Legislature.

**Mr. Frost** indicated there would be no impact on the State's General Fund, any dedicated fund, or federal fund because the establishment of any new advisory committees did not provide honorarium payment impacting the IDOPL dedicated fund. He reported advisory committees would assist the IDOPL administrator on key regulatory issues and assist boards and the Legislature in periodic review of statute and rules to balance public safety and restrictions of professions. This expertise may assist in identifying unnecessary regulatory barriers and reduce the cost to consumers.

**DISCUSSION:** **Vice Chair Souza** remarked that prior to this bill, the advanced practice nurse practitioners had a panel that was not established in statute. **Mr. Frost** noted there was a statute established in 1998 but the committee was no longer needed.

**MOTION:** **Senator Riggs** moved to send **S 1244** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**S 1237**

**VETERANS - Amends existing law to authorize the Division of Human Resources (IDHR) to issue certain Rules.** **Mark Tschampl**, Chief Administrator, Idaho Division of Veteran Services (IDVS) provided the background for prior legislation on this matter. He noted Idaho Code governed the action when a public employer failed or refused to give Veterans Preference (VP) but the veteran was equally qualified for the job. He stated this legislation aligned the statute with current practice. IDVS had always referred these cases to the IDHR to work the appeals process with the public employer. This legislation would authorize in code, instead of the IDVS, to issue rules for the enforcement of VP. The IDHR and the IDVS worked together to implement VP protections. They would continue to work together to ensure the rights and privileges of veterans.

**Mr. Tschampl** noted there was no impact to the State's General Fund or any dedicated fund as it only aligned statute with current process. No new funds were necessary to continue to provide the benefits of the statute to veterans.

- MOTION:** **Senator Lakey** moved to send **S 1237** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.
- PRESENTATION:** **American Rescue Plan Act (ARPA) Funds Relating to Commerce and Human Resources.** **Alex Adams**, Chief Financial Officer, Idaho Division of Financial Management (IDFM), gave a report on the status of ARPA funds in Idaho. He gave an overview of relief funds that came into the State of Idaho. **Mr. Adams** noted Idaho received the smallest amount of Coronavirus-19 (COVID) relief funds and referred to the map in the PowerPoint (Attachment 3). He also outlined what the money was used for but the State did have some discretion on how to use the money (Attachment 3A).
- DISCUSSION:** **Vice Chair Souza** and **Mr. Adams** discussed what states took the ARPA funds and how funds were appropriated. **Mr. Adams** noted some states waited to use the ARPA funds as did Idaho.
- PRESENTATION:** **Mr. Adams** pointed out that **H 592** required policy regulation. Over 50 million people had been priced out of the housing market and economic feasibility did not make workforce housing feasible for developers. **Mr. Adams** noted the legislation created an Idaho Workforce Housing Advisory Commission (IWHAC) and established the Idaho Workforce Housing Fund (IWHF). The IWHAC would consist of ten members and would be tasked with developing, implementing, and maintaining a statewide workforce housing plan. The IWHF would be created to accept monies as allocated by the Legislature and distribute funds according to the statewide plan as implemented by the IWHAC (Attachment 4).
- Mr. Adams** outlined the various grants that applied to the Committee. Among those were Workforce Housing - \$50 million; Childcare Expansion Grants - \$50 million; Food Bank Support - \$1 million; Workforce Training - \$50 million, and State Health Insurance Reserves - \$25 million. He noted there was a lack of childcare in the State and the monies allocated focused on the development infrastructure for childcare. There was an application process that would require a 50 percent match from the employer.
- DISCUSSION:** In answer to a question from **Chairman Patrick**, **Mr. Adams** noted the cost for the childcare grant would be maintained over the years with a one-time cost using one-time funds. The employer would sustain and create the program.
- PRESENTATION:** **Mr. Adams** outlined the requirements for the various grants. He stated the State health insurance reserves of \$25 million provided health insurance to State employees, which averaged \$1 million a month for COVID. Premiums were linked to a certain reserve level with a \$12,500 expense per employee. He indicated the State added \$25 million to shore up the reserve. Costs were expected to decrease over time.



**DISCUSSION:**

**Chairman Patrick** remarked the cost per employee increased by \$860. **Mr. Adams** explained, based on current information, the \$12,600 per employee was projected for next year.

**Senator Guthrie** and **Mr. Adams** discussed the possible establishment of a germane committee and the path moving forward through the Joint Finance-Appropriations Committee for funding.

**Senators Riggs, Guthrie, and Vice Chair Souza** discussed the consequences with **Mr. Adams** of not spending the ARPA funds, not meeting deadlines, what would happen to the funds if the funds were not used, not following the federal guidelines, and how the \$8,000 per capita funding was applied. **Mr. Adams** reassured the Committee the deadline was December of 2026 and meeting that deadline was not a concern. He also noted expectations were tied to these dollars in advance, the funds were separate for each program, and it would be hard for the federal government to retroactively take the money back.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:25 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



TO: Idaho Legislature  
House of Representatives Health & Welfare Committee  
Idaho Senate Health & Welfare Committee

January 27, 2022

Subject: Board of Nursing Legislation to Eliminate the Advanced Practice Registered Nurse (APRN)  
Advisory Committee to the Board of Nursing

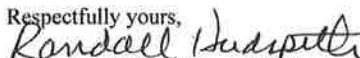
I am writing in my role as Executive Director of the Idaho Center for Nursing, as a currently licensed APRN (Nurse Practitioner) in Idaho, and as a former Chairman of the Idaho Board of Nursing. The Idaho Center of Nursing is the umbrella organization that manages nursing professional organizations in Idaho and works closely with the Board of Nursing. We can say that we represent the estimated 26,000 licensed nurses in Idaho.

**The Idaho Center for Nursing and Idaho nurses SUPPORT the Board's proposed legislation to eliminate the APRN Advisory Committee.**

I was a member of the APRN Advisory Committee for 9 years, and I know its function and its outcomes well. The genesis of this committee was a 1998 change in the Nurse Practice Act (NPA) that removed the involvement of the Idaho Board of Medicine from Nurse Practitioner regulation, at the IBOM's own request, and placed sole regulatory responsibility at the Board of Nursing. To mitigate concerns by the Idaho Medical Association, that wanted to maintain oversight and supervision of nurses, this committee was formed as compromise language associated with the NPA revision. In 2003, physician supervision of APRNs was removed from statute, but the APRN committee was sustained. Today there are 3,577 APRNs (Nurse Practitioners, Anesthetists, Nurse Midwives, and Clinical Nurse Specialists) licensed in Idaho, including 2,116 Nurse Practitioners, which was the original APRN group of concern that resulted in the APRN Committee formation. Almost 50% of all primary care in Idaho is provided by a Nurse Practitioner.

When reviewing the issues that are discussed by the APRN Committee that advance to the full BON, advice and recommendations to the BON are minimal. Today, BON decisions regarding practice and education are guided by policy and national standards. Disciplinary issues are rare for APRNs and most commonly relate to drug diversion, which is not an issue addressed by the APRN Committee. Thus, over the years the APRN Committee has evolved and does not significantly contribute to board decisions. If the BON desires to address specific APRN issues there is a mechanism to call a special workgroup for this purpose. Thus, the ICN supports the legislative request to abolish the APRN Committee of the BON.

Respectfully yours,

  
Randall S. Hudspeth, PhD, MBA, MS, APRN-CNP, FAANP  
Executive Director, Idaho Center for Nursing (208.860.9338)  
6126 West State St., Suite 406  
Boise, ID 83703



February 6, 2022

Senator Jim Patrick  
P.O. Box 83720  
Boise, Idaho 83720-0081

Dear Senator Patrick,

On behalf of the over 1,800 licensed Nurse Practitioners (NPs) in the state of Idaho, we are writing to you today in support of S1244, the proposed changes to section 54-1417 of Idaho code. S1244 will replace the current Advanced Practice Registered Nurse (APRN) committee with an as-needed, consulting volunteer committee. These changes would reduce redundancies and cost to the Board of Nursing, while preserving the safeguards to utilize consultation services as needed. It would also allow NPs to better practice at the top of their licensure while removing barriers to NP care.

The Advanced Practice Registered Nurse (APRN) Committee, at its inception, was created to provide direction to the Board of Nursing from the perspective of a variety of medical providers and practice experts. Yet, since its creation, the committee has not provided any significant benefit to Idaho NP practice. In 2004, Idaho was the first state in the nation to allow NPs to practice at the full capacity of their license and training without physician supervision. In more than 100 studies on care provided by both nurse practitioners and physicians, not a single study has found that nurse practitioners provide inferior services. Nurse Practitioners provide evidence-based, safe, cost-effective and high-quality care for Idahoans. The Idaho NP workforce has grown by nearly 30% in the past two years, most significantly in the rural areas of the state, and now account for nearly half of the primary care workforce in Idaho. There are seven communities that rely on an NP as the sole access to medical care. Our organization, as well as the Idaho Association of Nurse Anesthetists and the Idaho Center for Nursing, are well-established organizations that represent the APRNs in the state and collaboratively work together to allow timely, cost-effective health care access to Idahoans. The Board of Nursing can rely on these organization to provide expert advice on all APRN issues.

The 2020 Future of Nursing Report by the National Academy of Medicine (previously known as the Institute of Medicine) boldly states: "Nurses at all levels and in all settings face multiple practice barriers to advancing health equity beyond those limiting scope of practice. For the country to achieve health equity for all, nurses need environments that allow them to fully leverage their skills and expertise across settings including those that expanded scope of practice, telehealth eligibility, insurance coverage, and payment parity for services nurses provide." The changes proposed in S1244 would reduce further barriers to NP care, and so we ask for your vote in favor of S1244.

Sincerely,

*Sarah Curtright*, DNP, APRN, NP-C  
NPI President

*Colleen Shackelford*, DNP, APRN, NP-C  
NPI Legislative Chair



## **Governor's ARPA Recommendation**

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Alex J. Adams  
DFM Administrator



# Outline

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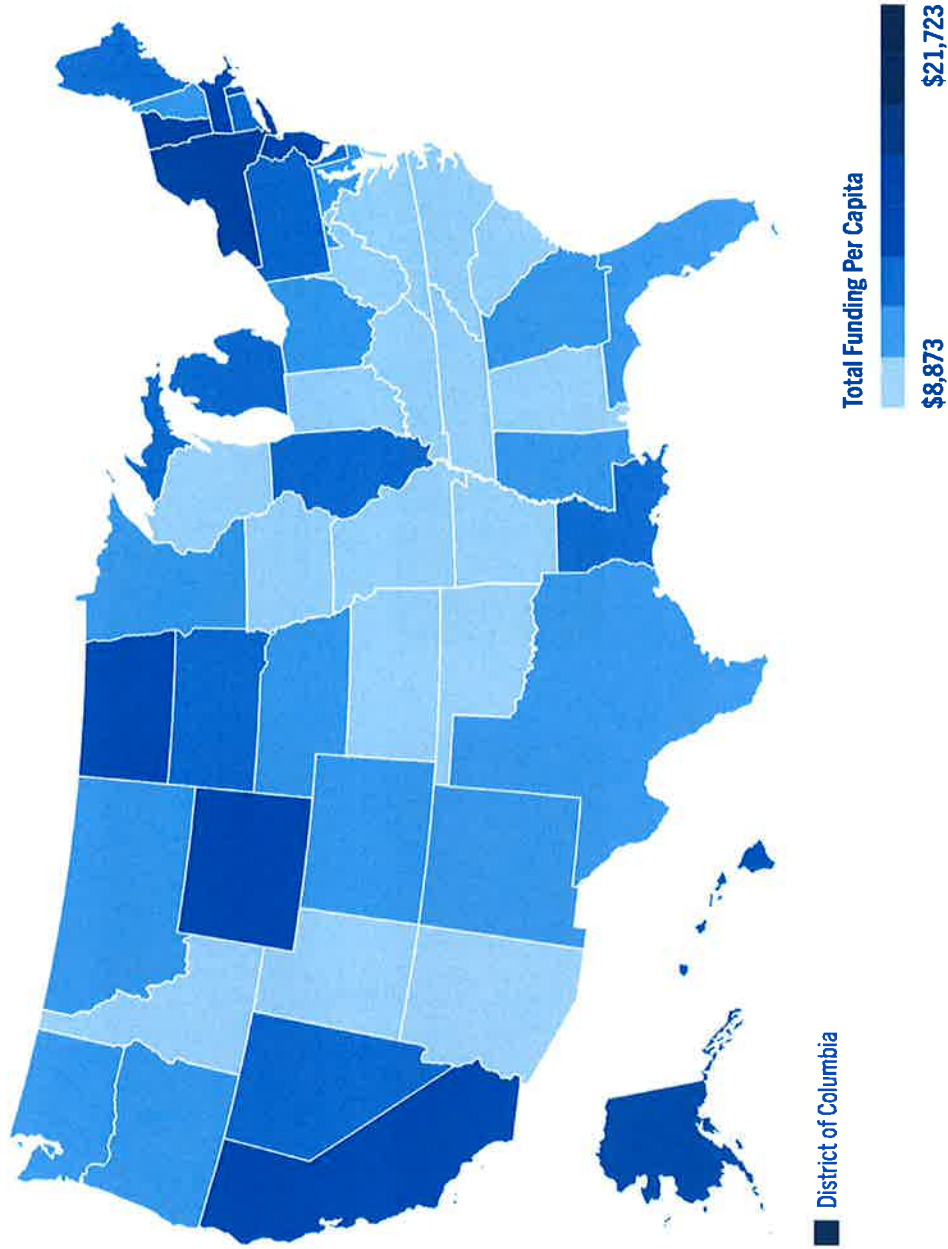
- Federal COVID-19 Relief Funds Overview
- ARPA State Fiscal Recovery Fund
  - Commerce Recommendation



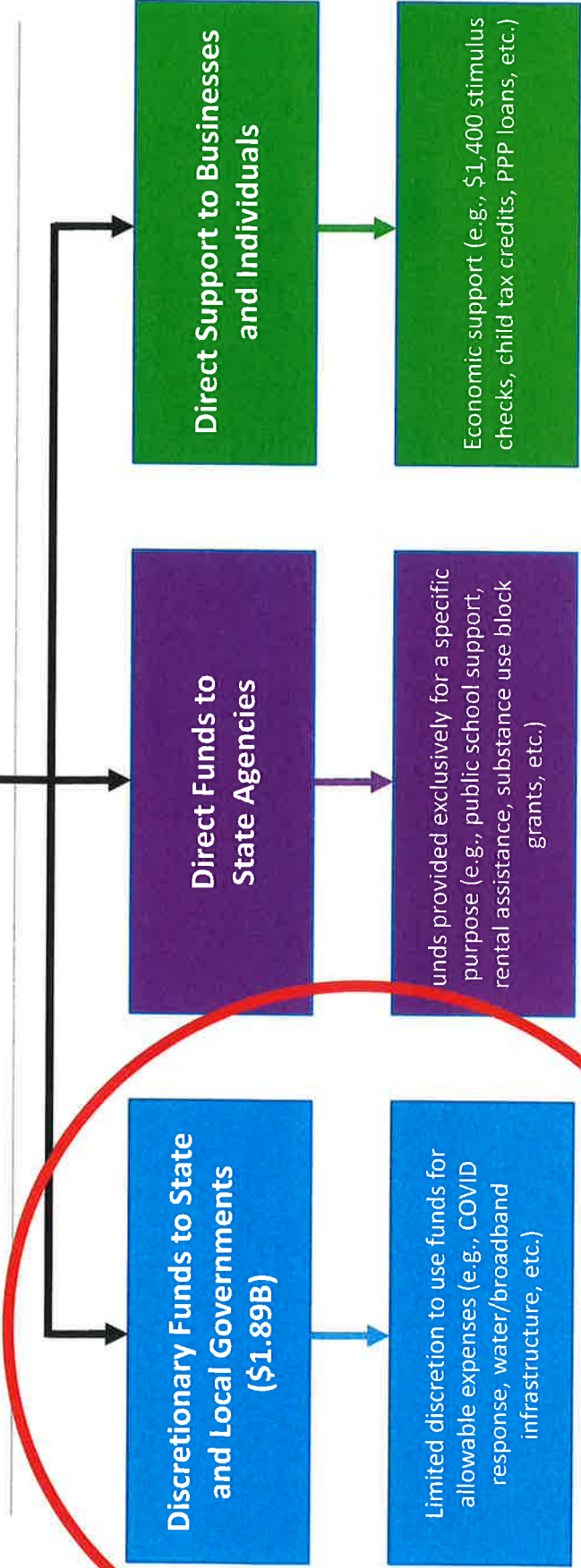
# Distribution of Federal Funding from COVID-19 Programs by State

## IDAHO

	TOTAL
TOTAL (MILLIONS)	\$18,570
+ ECONOMIC IMPACT PAYMENTS	\$4,778
+ UNEMPLOYMENT	\$957
+ SMALL BUSINESS SUPPORT	\$4,688
+ PUBLIC HEALTH AID	\$1,924
+ DIRECT AID TO STATES	\$2,923
+ OTHER	\$2,166
+ EDUCATIONAL SUPPORT	\$1,133



# American Rescue Plan Act (ARPA)



**State Action Needed**  
Funds through December 2024

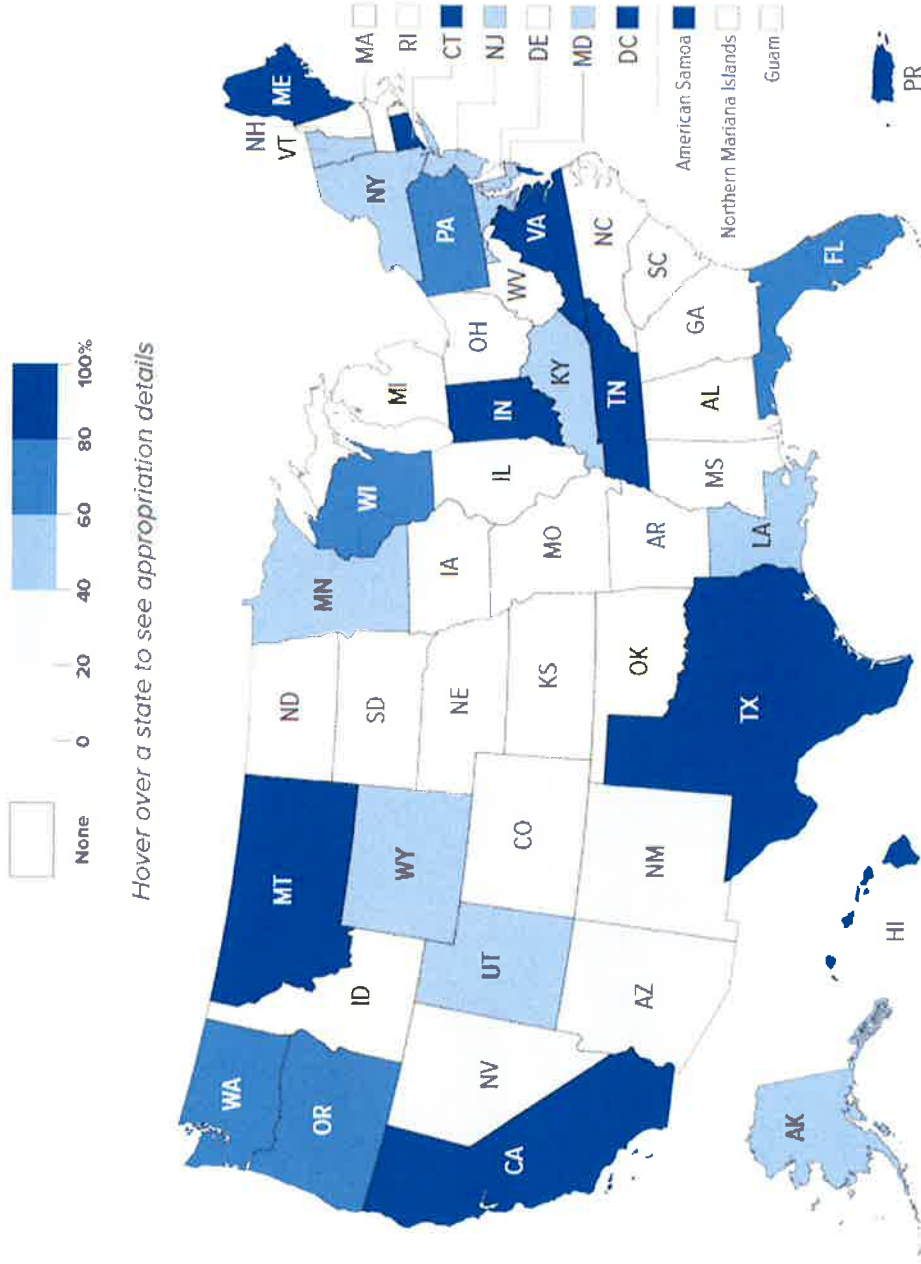
**State Action Needed**  
Fund Deadlines Vary by Program

**No State Action Needed**





# How Other States are Using ARPA State Fiscal Recovery Fund




Note: The American Rescue Plan gave states \$197.8 billion in Fiscal Recovery Funds to combat the effects of the COVID-19 pandemic.

Source: CRDD analytic



# Commerce

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- Workforce Housing: \$50,000,000
  - Childcare Expansion Grants: \$50,000,000
  - Food Bank Support: \$1,000,000
  - Workforce Training: \$50,000,000
  - State Health Insurance Reserves: \$25,000,000
- 

# Questions

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**Alex J. Adams**

DFM Administrator

[Alex.Adams@dfm.idaho.gov](mailto:Alex.Adams@dfm.idaho.gov)



# ARPA - State Fiscal Recovery Gameplan

Agency	Brief Description	Committee	Gov Plan	Legislature Plan
HB 370	Unanticipated COVID-19 Expenses	JFAC	\$ 50,000,000	\$ 50,000,000
<b>Education</b>				
OSBE	Empowering Parents Grants	Education	\$ 50,000,000	
University	University of Idaho remote worker training	Education	\$ 1,270,000	
WDC	Workforce training for in-demand professions	Commerce & HR	\$ 50,000,000	
Public Schools	Teacher Bonuses	Education	\$ 17,760,600	
Public Schools	Career Ladder Acceleration	Education	\$ 36,473,700	
DHW	Head Start	Education/Health	\$ 3,000,000	
<b>Natural Resources</b>				
IDWR	Recharge and Water Storage Projects	Resources	\$ 250,000,000	
DEQ	CDA Lake clean-up & other improvement projects	Resources	\$ 70,000,000	
DEQ	Grants for local drinking and wastewater projects	Resources	\$ 300,000,000	
<b>Health and Human Services</b>				
WDC	Childcare Infrastructure Expansion Grants	Health/Commerce	\$ 49,999,900	
DHW	Home visiting	Health & Welfare	\$ 3,000,000	
Veterans	COVID-19 costs at veterans homes	Transportation	\$ 1,000,000	
<b>Behavioral Health Council</b>				
DHW	Mental Health Crisis Line Conversion	Health & Welfare	\$ 4,400,000	
DHW	Grants for Community Behavioral Health Clinics	Health & Welfare	\$ 12,000,000	
DHW	Continued Recovery Center Support	Health & Welfare	\$ 1,800,000	
<b>Economic Development</b>				
Commerce	Food bank support	Commerce & HR	\$ 1,000,000	
Parks	Outdoor recreation capacity and maintenance	Resources	\$ 45,000,000	
DFM	Workforce housing gap closing support	? Commerce?	\$ 50,000,000	
<b>Public Safety</b>				
IDOC	Improvements to lagoon	Judiciary & Rules	\$ 10,000,000	
IDOC	Offset operating costs of COVID-19	Judiciary & Rules	\$ 1,000,000	
Parole	Extradition transportation due to COVID shutdown	Judiciary & Rules	\$ 100,000	
DVC	Domestic violence bridge funding	Judiciary & Rules	\$ 6,000,000	
<b>General Government</b>				
Admin	State health insurance cost offset to rebuild reserves	Commerce/State	\$ 25,000,000	
Various	IT replacement items across multiple agencies	JFAC	\$ 23,156,000	
SCO	Cybersecurity technology project	JFAC	\$ 950,000	
DFM	Legal and audit support and staffing	JFAC	\$ 5,421,300	
Courts	Miscellaneous Requests	Judiciary & Rules	\$ 19,990,500	
<b>Total Obligated</b>			<b>\$ 1,088,322,000</b>	<b>\$ 50,000,000</b>
<b>Unobligated Balance</b>			<b>\$ 5,696,353</b>	<b>\$ 1,044,018,353</b>
<b>Percent of SFRF Spent By Year</b>			<b>99.5%</b>	<b>4.6%</b>
			<b>\$ 1,094,018,353</b>	<b>\$ 1,094,018,353</b>

Attachment 3A, Alex Adams, February 10, 2022

# ARPA – State Fiscal Recovery Gameplan

<b>Education</b>	
OSBE	Empowering Parents Grants
University	University of Idaho remote worker training
WDC	Workforce training for in-demand professions
Public Schools	Teacher Bonuses
Public Schools	Career Ladder Acceleration
DHW	Head Start

## Education

### Teachers : Public School Support

#### 1. Career Ladder Onetime Funding

*The Governor recommends using \$36,473,700 from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide onetime federal funding to implement the FY 2024 career ladder funding in conjunction with FY 2023.*

*LSO Analyst Note: Changes to the career ladder would require legislative action, which would require a statutory change or appropriation bill language that directs the use of the funds. Otherwise this money would be subject to the conditions and allowable uses of the ARPA State Fiscal Recovery Fund.*

### Office of the State Board of Education : State Board of Education

#### 2. Strong Families, Strong Students II

*The Governor recommends 1.00 FTP and \$25,000,000 onetime from the American Rescue Plan Fund to provide additional Strong Families, Strong Students-Empowering Students Grants to provide students and parents direct support for learning. The grant program will be administered by the Office of the State Board of Education, which will be assisted by a parent advisory committee. Grants would target high-need families and students, granted first to families whose household income is under \$50,000; next, to families whose income is under \$75,000; and finally, to all eligible students independent of household income if any grant moneys remain undistributed. Eligible students would receive \$1,500 and no individual family can receive more than \$3,500. Upon receiving the grant, families would have until November 15, 2024 to expend the grant for eligible expenses. Eligible expenses would include computer hardware, internet access, textbooks, instructional materials, fees for standardized testing, therapies to aid learning, contracted educational programs, supplemental education services, and other services provided by the parent advisory panel. Of this recommendation, \$100,000 is for personnel costs and \$24,900,000 is for trustee and benefit payments. The full-time personnel included in this recommendation would be removed from the budget once the program is completed.*

**Natural Resources**

IDWR	Recharge and Water Storage Projects
DEQ	CDA Lake clean-up & other improvement projects
DEQ	Grants for local drinking and wastewater projects

**Natural Resources**

**Department of Environmental Quality**

**1. SFRF - ARPA Contaminated Site Clean Up**

*The Governor recommends using \$13,709,600 from the American Rescue Plan Act State Fiscal Recovery Fund for work on contaminated sites, orphaned and abandoned mine sites, solid waste and landfill closure, work at the Triumph Mine, and nutrient reduction projects at Coeur d'Alene Lake. This recommendation includes 3.00 FTP and \$1,276,800 in personnel costs for limited service positions to oversee projects, \$8,432,800 in operating expenditures, and \$4,000,000 in trustee and benefit payments. Of the total, \$294,600 is in personnel costs in the Administration and Support Services Program and the remainder is in the Waste Management and Remediation Program.*

**Department of Environmental Quality**

**2. SFRF - ARPA Water Infrastructure**

*The Governor recommends using \$60,004,800 from the American Rescue Plan Act State Fiscal Recovery Fund for drinking water and wastewater infrastructure projects. This recommendation includes 5.00 FTP and \$539,100 in personnel costs for limited service positions to provide engineering expertise and oversee grants and loans, \$13,500 in operating costs for equipment and travel costs, and \$59,452,200 for trustee and benefit payments to provide grants to local entities. Of the total, \$124,400 is in personnel costs in the Administration and Support Services Program and the remainder is in the Water Quality Program.*

**Department of Parks and Recreation**

**3. State Fiscal Recovery - ARPA Projects**

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund (SFRF), however the agency is waiting for updated guidance from the U.S. Department of Treasury.

*The Governor recommends using \$20,000,000 from the American Rescue Plan Act State Fiscal Recovery Fund for investments in deferred maintenance and building out new park facilities. Of the amount recommended, \$10,000,000 is onetime, and \$10,000,000 is ongoing.*

*Analyst Note: Traditionally all appropriations to the Capital Development Program have been onetime, with reappropriation provided for projects that extend for more than one fiscal year.*

**Department of Water Resources**

**4. State Fiscal Recovery - ARPA Water Projects**

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund (SFRF), however the agency is waiting for updated guidance from the U.S. Department of Treasury.

*The Governor recommends using \$100,000,000 from the American Rescue Plan Act State Fiscal Recovery Fund for water infrastructure needs across the state. Of the recommended amount, half is ongoing with the expectation that these funds would be available over the next five fiscal years.*

<b>Health and Human Services</b>	
WDC	Childcare Infrastructure Expansion Grants
DHW	Home visiting
Veterans	COVID-19 costs at veterans homes

## **Health and Human Services**

### **Services for the Developmentally Disabled : Department of Health and Welfare**

#### **5. Head Start Funding**

*The Governor recommends \$1,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding for the Head Start Program for costs associated with the startup of classrooms to provide services to kids throughout the state. Total project funding will be \$3,000,000 for three fiscal years.*

### **Public Health Services : Department of Health and Welfare**

#### **6. Home Visiting Grants**

*The Governor recommends \$1,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding to the Home Visiting Program, which provides services to parents and caregivers to raise children who are physically, socially, and emotionally healthy and ready to learn. Total project funding will be \$3,000,000 over three fiscal years.*

### **Substance Abuse Treatment & Prevention : Department of Health and Welfare**

#### **7. Recovery Center Support**

*The Governor recommends \$600,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding and resources to community recovery centers around the state. Total project funding will be \$1,800,000 over three fiscal years.*

### **Independent Councils : Department of Health and Welfare**

#### **8. DV Council - Victims Services Grants**

The Domestic Violence (DV) Council requests a total of \$6,000,000 onetime from the State Fiscal Recovery Fund (SFRF) available through the American Rescue Plan Act (ARPA); in LSO's Review of ARPA Report this appears as number 1. Of the total amount, \$240,000 is in personnel costs, \$60,000 is in operating expenditures, and \$5,700,000 is in trustee and benefit payments; this distribution follows the normal 5% allocation for the administration of grants. The funds would be distributed to victim service programs throughout Idaho and be used for crime victim assistance for domestic violence survivors and survivors of other crimes. The distribution would be made through onetime grants. The DV Council asserts the programs that typically receive grants are seeing an all-time high in victim needs and demand for services, in some cases three to four times higher than normal, which is attributable to the COVID-19 pandemic. While the demand has increased, federal support has decreased through typical allocations through the Victim of Crime Act (VOCA).

<b>Behavioral Health Council</b>	
DHW	Mental Health Crisis Line Conversion
DHW	Grants for Community Behavioral Health Clinics
DHW	Continued Recovery Center Support

**Mental Health Services : Department of Health and Welfare**

**9. Comm. Beh. Health Clinics**

*The Governor recommends \$6,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for three certified community behavioral health clinics, which are clinics who serve any individual in need of care including people with serious mental illness, serious emotional disturbance, long-term chronic addiction, mild or moderate mental illness, substance use disorders, and complex health profiles.*

**10. 988 Funding**

Agency Request

*The Governor recommends \$4,400,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for the standing up of 988 in Idaho and mobile response services. 988 is a national crisis line, set to go live in July 2022.*

<b>Economic Development</b>	
Commerce	Food bank support
Parks	Outdoor recreation capacity and maintenance
DFM	Workforce housing gap closing support

**Economic Development**

**Department of Commerce**

**17. Idaho Food Bank - ARPA**

The agency requests \$1,000,000 onetime from American Rescue Plan State Fiscal Recovery Fund for the Idaho Food Bank. The Legislature previously approved \$3,600,000 in S1199 of 2021 as a supplemental appropriation for FY 2021 with reappropriation authority into FY 2022. The total amount was encumbered by the agency in FY 2021. Due to continuing challenges brought on by the COVID-19 pandemic, the agency believes additional funding will enable the Idaho Food Bank to serve families, seniors, and children that are food insecure in FY 2023.



<b>Public Safety</b>	
IDOC	Improvements to lagoon
IDOC	Offset operating costs of COVID-19
Parole	Extradition transportation due to COVID shutdown
DVC	Domestic violence bridge funding

## **Law and Justice**

### **State Prisons : Department of Correction**

#### **1. Wastewater Lagoons**

The agency requests \$10,000,000 onetime from the State Fiscal Recovery Fund created in the American Rescue Plan Act (ARPA) to upgrade the wastewater lagoons serving the South Boise Complex. The lagoons serve the Idaho Maximum Security Institution (IMSI) and Idaho State Correctional Institution (ISCI). The agency states that the lagoons are at 90% capacity for the current design and would need to be reconstructed if any changes are to be made as the liner used is no longer legal. The project costs are estimated to be \$900,000 for build design, \$1,500,000 for the demolition of the existing lagoons, and \$7,600,000 to construct the new lagoons.

#### **2. COVID Operating Costs**

*The Governor recommends \$500,000 ongoing from the State Fiscal Recovery Fund created in the American Rescue Plan Act for costs of managing state facilities as a result of COVID-19. Funding for this purpose will be available for two years.*

### **Commission of Pardons & Parole: Department of Correction**

#### **3. Extradition Transport**

The agency requests \$50,000 in onetime operating expenditures from the American Rescue Plan Act Fund for extradition transport costs. Idaho parolees that were approved for supervision in other states pursuant to interstate compact, but violate the terms of their supervision, are extradited back to Idaho. The Northwest Shuttle Service extradites parolees from 15 states back to Idaho at no cost to the commission. Those outside of these states are extradited by private prisoner transport companies at the average cost of \$1,800. The agency currently has an ongoing appropriation of \$70,700 from the Miscellaneous Revenue Fund to offset extradition costs. However, in FY 2020 the Northwest Shuttle Service suspended operations due to COVID-19, which has indefinitely increased the commission's share of extradition costs. The agency received \$50,000 in onetime supplemental funding from the Federal COVID-19 Relief Fund to offset the new costs during FY 2021 and a line item for the same amount in FY 2022. The line item requested would offset the new costs in FY 2023.

### **Court Operations : Judicial Branch**

#### **4. COVID-19 Related Expenses - SRF ARPA**

The agency requests 7.00 FTP, and \$19,990,500 onetime from the Coronavirus State Fiscal Recovery Funds of the American Rescue Plan Act (ARPA) of 2021 for COVID-19 related expenses. Of the total amount requested, \$1,614,300 is in personnel costs for salary and benefits; \$16,117,200 is in operating expenditures for travel, professional development, and computer services; and \$2,259,000 is in capital outlay for computer equipment. According to the agency, during the COVID-19 pandemic, Idaho courts were required to adapt to new health safety requirements while preventing court closures and ensuring access to justice. The Court's response to the pandemic resulted in increased reliance on technology, including filing cases online, digital evidence sharing, remote hearings, off-site jury selection, and virtual options for management of court administration. According to the agency, ARPA funding would help offset the negative economic impacts of COVID-19 and would support efficiency and security of remote operations going forward.

<b>General Government</b>	
Admin	State health insurance cost offset to rebuild reserves
Various	IT replacement items across multiple agencies
SCO	Cybersecurity technology project
DFM	Legal and audit support and staffing
Courts	Miscellaneous Requests

## **General Government**

### **Department of Administration**

#### **18. Health Plan Reserve Backfill - ARPA**

The department requests \$15,000,000 onetime from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to backfill the state health plan reserve for any COVID related expenses and cover expenses for future years.

### **State Controller**

#### **19. Cybersecurity Enhancement - ARPA**

The Office of the State Controller requests \$950,000 in onetime operating expenditures from the State Fiscal Recovery Fund (SFRF) allocated to the state through the American Rescue Plan Act (ARPA) to improve cybersecurity of the state's central systems housed within the office's data center. This effort would provide active monitoring of network response time, internal server response time and software as a service (SaaS) response time to establish baseline activity levels and allow the State Controller to quickly diagnose any anomalies indicating a cyber attack.

### **Division of Financial Management : Office of the Governor**

#### **20. SFRF Audit & Compliance - ARPA**

**Analyst: Hibbard**

The agency requests \$5,000,000 in operating expenditures to contract with an outside firm to assist in the required sub-recipient compliance requirements and any annual internal or external auditing costs for the administration of the State and Local Fiscal Recovery Fund. The estimate of \$5,000,000 was based on the appropriation for the audit and compliance costs associated with the CARES Act Coronavirus Fiscal Recovery Fund. The funding provided through the American Rescue Plan Act (ARPA) has additional use of evidence requirements and a longer time frame than the CARES Act. The agency requests this sum be appropriated in its entirety in FY 2023, with the expectation that they would later be provided legislative reappropriation for any unencumbered or unexpended portion of these funds as necessary through 2027. Reappropriation requires legislative approval.

#### **21. Workforce Housing - ARPA**

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund. However, the agency is waiting for updated guidance from the U.S. Department of Treasury.

### **Workforce Development Council : Office of the Governor**

#### **22. Workforce Training - ARPA SRF**

*The Governor recommends 2.00 FTP and \$25,000,000 ongoing from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide workforce training and apprenticeships. This recommendation is ongoing for the duration of the available ARPA funding. Funding will be directed through*

*Idaho Launch and other programs to provide access for individuals impacted by the pandemic to training aligned to employer needs. This recommendation will also support grants to training providers for curriculum development, simulators, equipment, and other reasonable necessities to carry out training and expand capacity to meet increased demand.*

### **23. Childcare Infrastructure Grants - SRF ARPA**

*The Governor recommends 2.00 FTP and \$25,000,000 ongoing from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide childcare infrastructure grants. This recommendation is ongoing for the duration of the available ARPA funding. Child Care Expansion Grants will be targeted to business owners willing to build new childcare facilities or expand existing facilities to increase the number of childcare slots available to working families. The grants will also provide relief for childcare providers and provide support to make childcare more affordable.*



# WORKFORCE HOUSING COALITION

## Supported By:

## GAP FINANCING FOR WORKFORCE HOUSING

- Association of Idaho Cities
- Ball Ventures, LLC
- Boise Valley Economic Partnership
- BVA, Inc.
- CdA EDC
- Idaho Associated General Contractors
- Idaho Association of Counties
- Idaho Bankers Association
- Idaho Building Contractors Association
- Idaho Chamber Alliance
- Idaho Education Association
- Idaho Housing and Finance Association
- Idaho Land Title Association
- Idaho Power
- Idaho REALTORS®
- Idaho School Boards Association
- J.R. Simplot Company
- New Beginnings Housing, LLC
- Northwest Credit Union Association
- Northwest Real Estate Capital Corp.
- Tamarack Resort
- The Pacific Companies
- Whitewater Creek, Inc.

### What?

- A gap financing program using ARPA dollars that can be combined with private and other resources to produce workforce housing.
- Funding can be used to build workforce housing developments or renovate and repurpose existing buildings for housing.
- Financing may include loans, grants, and/or equity investments. Such financing may be subordinated to private funding, as needed.
- Workforce housing funded with ARPA dollars must be completed by December 31, 2026.

### How?

- Through the appointment of a Workforce Housing Advisory Commission comprised of three (3) House members, (3) Senate members, and (3) gubernatorial appointments.
- The Commission will create a statewide plan, determine regions of Idaho most in need, set forth the rules for prioritizing and disbursing the funds and determine which workforce housing projects are undertaken.

### Who?

- Applicants: Private and nonprofit developers who demonstrate the capacity to design and build compliant workforce housing projects.
  - Preference will be given to applicants who have also secured a source of local funding – including any ARPA dollars directly provided to the city or county.

### Where?

- Program Administrator: Idaho Housing & Finance Association
- Access to workforce housing has become a statewide challenge impacting urban, rural, and resort communities alike. The Program Administrator may establish funding set-asides to ensure that all areas of the state are assisted with funding from this gap financing program.

### Why?

- Economic feasibility is one of the biggest challenges facing developers interested in building workforce housing. The State of Idaho currently does not offer a state-sponsored program to assist with this.
- Today, workforce housing projects are financed with a combination of private financing and federal tax credits. Through these two avenues alone, there exists a significant funding gap that makes moving forward with these projects incredibly difficult.
- IHFA has more resources to offer in this area, but with the gap in financing that exists, it cannot fully leverage those resources to build more housing.

### How much?

- The governor has recommended \$50 million of ARPA funds. It is estimated that this program could create 1,000 workforce housing units across the state.

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 15, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PRESENTATION:</b>	Idaho Workforce Development Council	Wendi Secrist, Executive Director, Idaho Workforce Development Council
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board	Senator Patrick
<b><u>S 1282</u></b>	OCCUPATIONAL LICENSING - Repeals and amends existing law to remove licensing provisions regarding abstracters of title	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<b><u>S 1294</u></b>	Relating to Employee Contracts	Senator Ward-Engelking
<b><u>S 1299</u></b>	Relating to Architect Mutual Recognition	Senator Riggs

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, February 15, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Chairman Patrick and Vice Chairman Souza

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Acting Chairman Guthrie** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:35 p.m.

**PRESENTATION:** **Idaho Workforce Development Council (IWDC). Wendi Secrist**, Executive Director, IWDC, gave a PowerPoint presentation about the IWDC (Attachment 1). She outlined the mission and vision of the IWDC. She noted that since 2016 the Idaho Workforce Development Training Fund (IWDTF) had trained 12,038 Idahoans and served 9,633 employers. **Ms. Secrist** reported on the Idaho Launch Program (Attachment 1). The focus was on high school students. She noted there were another 38 openings for apprentices with many success stories. **Ms. Secrist** indicated these programs were designed to support one-time needs of the American Rescue Plan Act (ARPA) Funds.

**DISCUSSION:** **Senator Burgoyne** queried about the status of funding for childcare workers. **Ms. Secrist** responded one of the reasons was for funding to come through the IWDC. Employers would be engaged to potentially apply for funding which would provide a more stable business model to help raise wages.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board (IHIEB). Acting Chairman Guthrie** asked if there were any objections to confirming Ms. Henbest to the IHIEB. There were none.

**MOTION:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Margaret Henbest to the IHIEB to the floor with the recommendation she be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**S 1282** **OCCUPATIONAL LICENSING - Repeals and amends existing law to remove licensing provisions regarding abstractors of title. Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), reported this bill sought to eliminate inactive provisions of law. This legislation repealed an outdated section of Idaho Code, Chapter 1, Title 54, Abstractors of Title. The statute chapter had not been updated since 1963 and no longer used.

**Mr. Frost** stated this legislation had no impact on the State's General Fund, any dedicated or federal fund, because the abstractors of title provisions in law were defunct.

**DISCUSSION:** In answer to a question by **Senator Agenbroad** about industry involvement with this bill, **Mr. Frost** stated all stakeholders had no opposition. However, a correlated reference was added into the bill.

**MOTION:** **Senator Martin** moved to send **S 1282** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**S 1294** **Relating to Employee Contracts.** **Senator Ward-Engelking** noted this legislation should be held for further revisions. She stated this legislation added to Idaho Code § 44-906 legislation that prohibited an employer that chose to offer earned sick leave to its employees to count earned or accrued sick leave, taken in accordance with the employer's written policy as an absence that resulted in discipline or any other adverse action. **Senator Ward-Engelking** said this bill did not mandate and only applied to those employers who offered sick leave to employees. Some workers were being terminated or disciplined who utilized sick leave, even when using sick leave in accordance with employer policies.

**MOTION:** **Senator Ward-Engelking** moved to hold **S 1294** in Committee at the call of the Chair. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**S 1299** **Relating to Architect Mutual Recognition.** **Senator Riggs** reported this legislation allowed for the Idaho Board of Architect Examiners (IBOAE), under the Idaho Division of Occupational and Professional Licenses (IDOPL), to enter into a mutual recognition agreement with another state, territory, jurisdiction, or country. He reported the legislation allowed the State of Idaho to enter into a mutual licensure recognition agreement with Canada and have mutual recognition of both Idaho architect licensees working in Canada, and Canada architect licensees working in Idaho.

**Senator Riggs** stated the legislation had no impact on the State's General Fund or federal funds. Entering into a mutual recognition agreement with another state or country was expected to be revenue neutral for the IDOPL dedicated fund based on the experience of similar agreements of other Idaho professional licensing boards, while saving individual licensees both time and fees.

**DISCUSSION:** **Senator Lakey** and **Senator Riggs** discussed the agreement between the IBOAE and another state, territory, or country. **Senator Lakey** remarked this agreement sounded positive.

**TESTIMONY:** **Benn Brocksome**, American Institute of Architects (AIA-Idaho), testified in support of the bill. He noted the reciprocity agreement was supported by AIA-Idaho.

**MOTION:** **Senator Burgoyne** moved to send **S 1299** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Acting Chairman Guthrie** adjourned the meeting at 2:03 p.m.

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Senator Guthrie  
Acting Chairman

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Linda Kambeitz  
Secretary



1



**Our Mission**  
We champion strategies that prepare Idahoans for careers that meet employers' needs.

**Our Vision**  
We envision a future where Idaho's diverse and prepared workforce meets the needs of our unique communities and employers.

- 34 Council Members
- Representing 18 Communities
- 57 Committee Members
- Representing 14 Communities



**Idaho Workforce Development Training Fund has:**

Trained 12,038 Idahoans

Served 9,633 Employers

Reached hundreds of thousands of Idahoans through outreach

Since 2016

2







"We focused on entry level technician jobs for the youth apprenticeship program in automotive, and that's been great. As soon as we started doing it, we had nine applicants come in the day we got approved." –Teton Toyota



Total Participants (Registered Apprentices)

- Served 42

Total Businesses

- Engaged 39
- Enrolled 22

## Youth Apprenticeship Grant

This project is wholly funded by a grant from the U.S. Department of Labor in the amount of \$2,490,630.

3

IDAHO **LAUNCH**
[idaholaunch.com](http://idaholaunch.com)



Idaho LAUNCH is where your skills meet their match.

Match your skills to employer needs and apply for training funds available to every Idahoan.

IDAHO LAUNCH

"I never thought I would be a truck driver, but the launch program paid for 90% of my schooling at Sage trucking. I just completed my classes for my CDL Class A with Tanker/double triple endorsement, plus received a great job offer with a local company making over \$65,000.00 a year. All this in less than 3 months."

–Idaho Launch Participant

The Numbers:

- Participants (1/6/22): 949
- Site Visits (1/20/21): 30,898
- Average benefit use (1/6/22): \$3,000
- Total obligated (1/6/22): \$2,845,670
- Employers Served: 684

4



*"The hottest city in the nation right now when it comes to explosive growth in new job listings may come as a surprise, but not to anyone who's been tracking how COVID-19 has impacted the geography of work.*

*A new report from job site Indeed.com found employment postings for the Boise, Idaho metropolitan area earlier this month were nearly double the volume of Feb. 2020." – Deseret News, January 19, 2022*

## Leading Idaho

Workforce Training Investments

<https://www.deseret.com/2022/1/19/22891674/boise-has-job-markets-hiring-during-omicron-surge-salt-lake-city-job-listings>

5



	Chapter	Learning Outcomes	Estimated Time to Implement
Get Organized	TPM Orientation	Assess if TPM is a good fit and introduce the approach to your community	6 months
	Strategy 1: Organize Employer Collaboratives	Organize employers to address a skills gap for critical jobs	
Do Your Homework	Strategy 2: Engage in Demand Planning	Project the number of jobs needed across companies	3 months
	Strategy 3: Communicate Competency and Credential Requirements	Create a shared language for communicating hiring requirements	
	Strategy 4: Analyze Talent Flows	Identify current and future sources of talent	
Implement Solutions and Improve	Strategy 5: Build Talent Supply Chains	Manage performance for employer partners and designate preferred providers of talent	3 months
	Strategy 6: Continuous Improvement	Engage in continuous improvement	

## Leading Idaho

Workforce Training Investments

6



Since the pandemic, labor force participation rates in Idaho have decreased and one of the major factors is lack of child care options.

Idaho Child Care Gap Findings	
Potential Need	74,670 children
Supply	55,850 seats
Gap	18,820 children
Percent Gap	28% of children
Economic Impact (long term loss)	\$0.7 to \$1.1 Billion

### Child Care Expansion Grants

<https://childcaregap.org/assets/onePages/Idaho.pdf>

7



Increase the economic mobility of Idahoans through education and training that leads to wage gains and retention.

8

## Leading Idaho - Workforce Training Investments

### Idaho Launch ([www.idaholaunch.com](http://www.idaholaunch.com)) – \$24,159,000

Short-term training for any Idahoan who was impacted by COVID-19 or any Idahoan who wants to train for occupations in industries impacted by COVID-19. Examples include, but are not limited to, Healthcare, Hospitality, Retail, Construction, and Transportation.

- \$3m set-aside for apprenticeship training in the trades (i.e. electrical, pipefitting, etc.)
- Training will be prioritized to in-demand occupations.
- Existing Launch policy requires a contribution of 10-25% from the individual. This can be waived using ARPA funds, if desired.
- The Council may need to adapt the policy governing Launch to include “for-credit” opportunities for certain occupations.

### Simulators and Mobile Training Equipment – \$3,000,000

- Grants to cover acquisition costs of simulators and mobile training equipment for colleges and industry associations. Organizations will need to develop plans to utilize equipment for both training and industry recruitment. They will be required to present a sustainability plan to maintain/upgrade equipment beyond the grant period.

### Retail Management Certification – Course Development – \$100,000

- Fund the development of an online, 3-credit course to complete the requirements for Idaho Community Colleges to offer the Retail Management Certificate under the direction of the Western Association of Food Chains, Albertsons, Broulim's, Costco, Food4Less, Fred Meyer, Riddleys, Rosauers, Whole Foods, and Winco are members of the industry organization.

### Talent Pipeline Management (TPM) – Regional Coordinators – \$1,800,000

- \$1.8m to fund one TPM Coordinator in each of 6 regions to facilitate efforts to align industry/employer needs to specific training that is offered through Launch and/or other grants. The TPM Coordinator would be employed by a regional organization (ex. College, Chamber, Economic Development) who would receive a grant for \$150,000 per year for 2 years.

### Talent Pipeline Management Implementation Funds – \$20,000,000

- Supplements the Workforce Development Training Fund to implement projects coming through the TPM process.

### Next Steps Investments – \$500,000

- \$500,000 to integrate resume development, job interview practice, and connections to work-based learning into the Next Steps Idaho website.

### Staff – \$441,000 (over the 3 year period)

- Two FTEs for the Workforce Development Council to assist with the distribution, fiscal management, and performance tracking of the funds. Positions will be eliminated once ARPA funds are distributed.

**Total Investment = \$50,000,000 invested by December 2026**

*(final allocations will be approved by Council)*

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## What is Idaho Launch?

Idaho Launch started in November of 2020 and was bolstered by \$1,000,000 in CARES Act funds.

Idaho Launch is the **pathway for all Idahoans**, seeking to work in Idaho, to **receive financial support** through the Workforce Development Training Fund (WDTF) for **short-term training programs** that will allow them to attain in demand, **employer requested skillsets**.

## Large Scale Employer Surveys Drive Launch Offerings

In summer of 2020 Idaho Workforce Development Council ran an **employer survey**. We got back **845 responses** across all industries. This allowed us to **identify skills** that the employers will find important for hiring in the near future. **We matched those skills to training**, and our Policy committee approved courses for Launch to meet the need.

We are in the process of **updating this survey**. We will once again ask employers about skills and will also ask them to **evaluate** the value of the **current offerings** in Idaho Launch.

### The Basics:

#### Participants must be:

- Idaho Residents
- Use the benefit to work in Idaho

#### The Benefit Covers

- 75-90% of approved costs

#### Some important details:

- \$7,500 max benefit
- Once in a lifetime benefit
- A contract can include multiple courses

### The Numbers:

Participants (2/1/22): 1,037

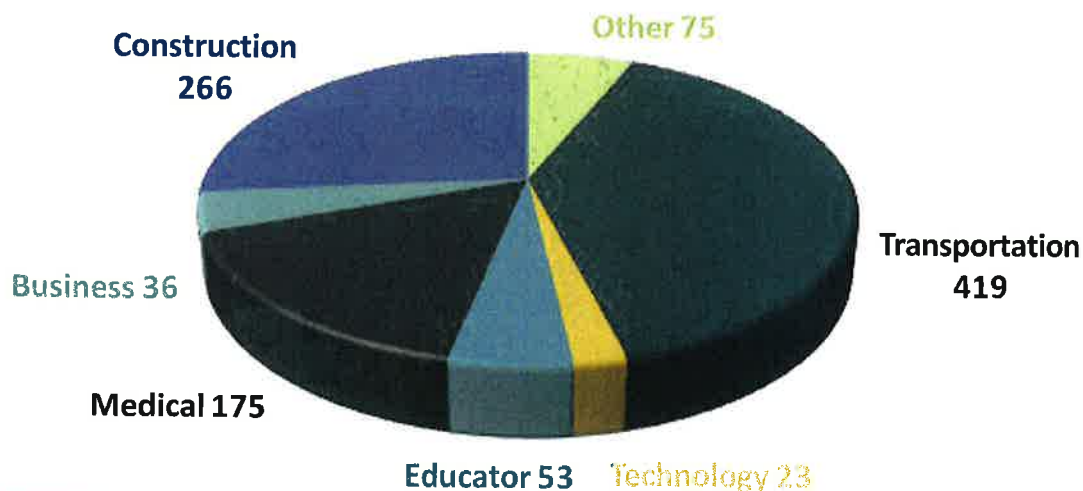
Site Visits (1/20/21): 30,898

Average benefit use (2/1/22): \$3,000

Total obligated (2/1/22): \$3,154,751

Employers Served (12/31/21): 684

## COURSE TYPES BY INDUSTRY



## Child Care Expansion Grants

**Need:**

Child care is one of the most critical work supports for parents to successfully participate in the labor market. Since the pandemic, labor force participation rates in Idaho have decreased and one of the major factors is lack of child care options. According to Idaho’s most recent Child Care Gap Assessment 74,670 children have the potential need for child care, and there are only 55,850 child care slots (the full report can be found here: <https://childcaregap.org/assets/onePagers/Idaho.pdf>).

Child care needs exist throughout the State and long wait lists exist at most high-quality child care centers. According to the study, the top five counties with the largest gap between the number of children who potentially need care but whose families cannot reasonably access formal care are Canyon, Ada, Bonneville, Twin Falls, and Bingham.

With a gap of nearly 20,000 child care seats in Idaho, there is a significant need to invest in Child Care Expansion Grants so that Idaho can continue to get back to work. This funding, administered by the Workforce Development Council, will increase the number of child care seats available to working families by targeting employers and/or child care providers willing to build new on-site or near-site child care facilities or expand existing facilities.

**Program Highlights: An increase of over 3,000 child care seats statewide, by the end of 2024.**

- Through a \$50m grant program (utilizing ARPA funding), these funds will provide infrastructure or operating grants for start-up or expansion of child care where there is a significant gap between the number of child care slots available and the number of children needing care.
- Idaho’s child care capacity is **expanded** supporting families to return to work or their ability to receive training that will assist them in returning to work.
- Coordinated licensure process for grantees.

Idaho Department of Health & Welfare Programs		Idaho Workforce Development Council Program
Investments that Support Children and Working Families	Investments that Stabilize Child Care Provider Business Owners	Investments that Expand High-Quality Child Care Capacity
<ul style="list-style-type: none"> <li>• Expanded eligibility criteria and lowered copay for families needing child care</li> <li>• Expanded mental health support and developmental screening for kids</li> </ul>	<ul style="list-style-type: none"> <li>• Child care provider support grants for existing operations.</li> <li>• Expanded support to after-school programs</li> <li>• Wage enhancement per worker</li> <li>• Expanded training and education for employees</li> </ul>	<ul style="list-style-type: none"> <li>• Grants to offset start-up costs for employers providing on-site/near-site child care</li> <li>• Grants to child care providers who are working with employer partners to expand number of children served</li> <li>• Support with recruiting and training staff</li> </ul>

*Note: There is a separate budget recommendation for the Idaho Department of Health & Welfare to **sustain** the current daycare facility operations.*

## Meeting employer's needs today and tomorrow

### Who Can Apply:

- Employers and/or child care providers that are seeking to add or expand capacity in Idaho.

### Grant Parameters:

- Applicants will complete and submit a business plan as part of the application process. Family/Group and Child Care Centers are eligible for the grants, when partnering with local employers and complying with local and state licensing requirements. Business plan guides can be found here: <https://wdc.idaho.gov/child-care-guides/>
- Applicants will be eligible for up to \$15,000 per seat in their start-up or expansion plan. A commitment to the number of slots, a sustainability plan, and a plan for ensuring they meet child care licensing requirements must be provided.
- A minimum of \$15,000,000 will be set-aside in the first year for providers with less than 15 seats.
- Preference will be given to entities that will focus on evidence-based programming and services and have parent engagement activities.
- A grant review committee including Workforce Development Council members and experts from IDHW would consider, at a minimum:
  - Private investment – match at least 50% of grant funds
  - Sustainability

### Scenarios

**Idaho Forest Group.** Headquartered in Coeur d'Alene and several mill sites across the state, Idaho Forest Group is committed to their employees and has been looking into child care support options. Currently, IFG is working with local child care providers in two communities, exploring ways to help them increase capacity such as additional employees and site expansion. They are hopeful a model can be developed to replicate in other locations.

**Kaniksu Health.** As one of the larger employers in Bonner County, Kaniksu Health recognizes the importance of providing child care to recruit and retain employees. Following the closing of the community's largest child care center, Kaniksu is working to develop a child care center for their employees.

**Homedale School District.** This past year, the Homedale School District purchased a building to serve as a child care center for district employees and the community. Funding for capital improvement is needed to refurbish the building to create an environment suitable to serve children in a healthy and safe environment.

**Twin Falls.** In partnership with CLIF Bar, the United Way of South Central Idaho wants to refurbish and expand a newly acquired facility to expand child care options for the regional business community. Funding for refurbishing and expansion is needed for the building to best serve working families.

**Bonneville County.** As one of the largest employers in Southeast Idaho, Idaho National Lab is exploring the feasibility of partnerships with local childcare facilities within the Idaho Falls community. INL is looking at several possible partnerships, one with Club Apple. Club Apple has land adjacent to their current facility and will start construction of a new daycare center in the spring of 2022. Within the parameters of this partnership, a certain number of spots will be held for INL employees and their children.

# IDAHO LAUNCH

Where your skills meet their match.

Attachment 1, February 15, 2022 - Wendi Secrist

## Research Your Reset

Here, you can match your current skills to what employers across the state need and apply for training funds to build your skills. You may also discover hidden opportunities as you search hiring trends by region, research training opportunities, and connect with a career planner through the online application for training funds.



### Behind the Scenes

We asked Idaho employers from every region of the state to complete a detailed survey to identify the most relevant skills that would help applicants to be successful in their industries. Then, we interviewed training providers to match the current course offerings to in-demand skills. And we have partnered with the Idaho Department of Labor and their career planners to provide help for job seekers looking to find a quick path to the training they need, at a price they can afford.

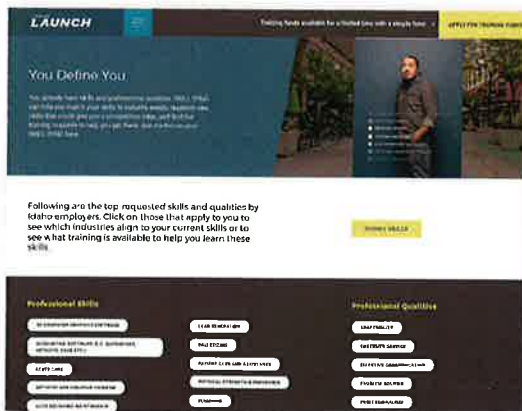


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**MATCH YOUR SKILLS** with employer needs and discover industries you may not have considered with **SKILL SYNC**.

**RESEARCH OPPORTUNITIES** by region, industry, skillset or training opportunity.

**ACCESS TRAINING FUNDS** to help pay for training, available to all Idahoans.







## Investigue su Reinicio

Idaho LAUNCH es un compromiso estatal para ayudar a los habitantes de TODO Idaho, en su solicitud individual de empleo. A través de una encuesta estatal de empleadores de Idaho, identificamos las habilidades en demanda y las conectamos con oportunidades de capacitación. Y a través del sitio, puede acceder a fondos estatales para pagar su capacitación.

### Entre bastidores

Le hemos pedido a los empleadores de Idaho de todas las regiones del estado que completaran una encuesta detallada para identificar las habilidades a corto plazo más relevantes que ayudarían a los solicitantes a tener éxito en sus industrias. Luego, entrevistamos a los proveedores de capacitación para hacer coincidir la oferta actual de cursos con las habilidades en demanda. Y nos hemos asociado con el Departamento de Trabajo de Idaho para brindar capacitación y asesoramiento profesional para ayudar a los individuos que están solicitando empleo a encontrar un camino rápido hacia la capacitación que necesitan a un costo razonable que puedan pagar.



**Visite IdahoLAUNCH.com para conectarse con un Consejero Profesional de habla hispana disponible para ayudarlo a acceder a sus habilidades y solicitar fondos para capacitación.**



**CONCUERDA SUS HABILIDADES** con las necesidades del empleador y descubre industrias que quizás no haya considerado con SKILL SYNC.

**INVESTIGUE SU REINICIO POR REGIÓN**, industria, conjunto de habilidades u oportunidad de capacitación.

**ACCEDA A FONDOS DE CAPACITACIÓN** para ayudar a pagar la capacitación, disponibles para todos los habitantes de Idaho.

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PRESENTATION:</b>	Honoring of Page - Haydon Madison	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Lori Wolff, Administrator, to the Idaho Division of Human Resources	Lori Wolff, Administrator, Idaho Division of Human Resources
<a href="#"><u>S 1298</u></a>	CONSUMER PROTECTION ACT - Adds to existing law to provide certain protections regarding automatic subscription renewals.	Senator Vick
<a href="#"><u>S 1296</u></a>	OCCUPATIONAL LICENSING - Amends existing law to replace references to the Bureau of Occupational Licenses with the Division of Occupational and Professional Licenses.	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1297</u></a>	OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.	Tim Frost
<a href="#"><u>S 1295</u></a>	CREDIT UNIONS - Amends, repeals, and adds to existing law to revise provisions regarding the corporate powers and organization of credit unions.	Ryan Fitzgerald, NW Credit Union

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, February 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**HONORING OF PAGE:** **Chairman Patrick** honored Page Haydon Madison. He asked Mr. Madison to tell the Committee about his experience at the Senate. **Mr. Madison** stated it was an honor to be at the Senate. He talked about his future plans with the hopes of attending college and passing his mortgage broker's test.

**DISCUSSION:** In response to a question posed by **Senator Lakey** about his experience at the Senate, **Mr. Madison** said making connections and having relationships with his co-workers was important. He noted this was modeled by the Senators. **Senator Lakey** praised Mr. Madison for his statement of making connections in his life which, he said, was a testament to him.

**Senator Riggs** asked what were the best and worst parts of being a page. **Mr. Madison** stated the best part was his relationship with his peers. He noted it was hard to choose the worst part, except for the lack of creativity of some of the Senator's jokes.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Lori Wolff, Administrator, to the Idaho Division of Human Resources (IDHR),** of Meridian, Idaho, term commencing June 7, 2021 and serving at the pleasure of the Governor. **Ms. Wolff** gave a brief overview of her background. She noted she has a passion for people. She has worked with other directors to learn about and appreciate some of the challenges they face. She said she was excited to work with staff in helping to solve problems.

**DISCUSSION:** In response to questions posed by **Senators Agenbroad** and **Burgoyne**, **Ms. Wolff** indicated her first priority was the LUMA (to shine a light) project. The purpose of the LUMA project was to acquire and implement an Enterprise Resource Planning (ERP) system that all state agencies could utilize for statewide unification in budget planning, financial management, procurement, payroll, and human capital management. **Ms. Wolff** said agencies and operations needed to be supported. She remarked she was uniquely prepared because she was on the operation side with challenges being in personnel. Not making a decision was a detriment that created a liability. **Ms. Wolff** noted if she was not helping managers do their job, she was not doing hers.

**Senator Burgoyne** and **Ms. Wolff** discussed resolving problems before they went to litigation. She stated litigation could be prevented if there was more

consistency in how personnel policies were applied. Documenting incidents was important.

**Chairman Patrick** announced the gubernatorial appointment vote would take place at the next meeting.

**S 1298**

**CONSUMER PROTECTION ACT - Adds to existing law to provide certain protections regarding automatic subscription renewals.** **Senator Vick** noted this legislation amended the Idaho Consumer Protection Act (ICPA) by adding a new section to provide consumer's protection from unfair or deceptive trade practices with respect to cancellation of subscriptions. Often referred to as "click to cancel," this legislation provided that the consumer must be able to cancel a subscription in the same manner as the consumer used to subscribe. He related a personal incident that prompted him to bring this legislation forward.

**Senator Vick** indicated there was no fiscal impact to the General Fund. The Attorney General's office was charged with the enforcement of the ICPA, and there was no expectation of a fiscal impact. He noted he wanted to make a correction in Idaho Code § 48-603G(4) of the bill and to send it to the 14th order for possible amendment.

**TESTIMONY:**

**Representative Erhardt**, testified in opposition to the bill. She expressed that a gym membership was listed as one of the entities in the bill and she would like that wording removed. She explained the machinations of running a gym. She stated, in many cases, membership was in the form of a contract and not a subscription. She asked the bill be sent to the 14th Order for possible amendment.

**DISCUSSION:**

**Vice Chair Souza** asked for clarification on how difficult it would be to cancel a gym membership. **Representative Erhardt** said gyms have a cancellation policy. Documentation was required when trying to notify people when they quit paying. She remarked the wording in this bill would restrict the ability to run a gym. She asked for more time to modify this part of the bill with Senator Vick.

**Senator Vick** explained the background on gym memberships and the complaints received about cancellations. He noted he did not want to make life difficult for businesses. He again asked the Committee to send the bill to the 14th Order for possible amendment.

**Senator Riggs** stated his concern about cancellation of subscriptions that were out-of-state, such as the Wall Street Journal, and how this bill would apply. **Senator Vick** explained that would be something the ICPA could pursue.

**MOTION:**

**Vice Chair Souza** moved to send **S 1298** to the 14th Order of business for possible amendment. **Senator Ward-Engelking** seconded the motion.

**DISCUSSION:**

**Senator Burgoyne** asked about the proposed amendment. **Senator Vick** explained the change on page 2 would make it clear that the notification only applied to online subscriptions. **Senator Burgoyne** commented he was in support of this legislation.

**VOICE VOTE:**

The motion to send **S 1298** to the 14th Order of business for possible amendment carried by **voice vote**.

**S 1296**                    **OCCUPATIONAL LICENSING - Amends existing law to replace references to the Bureau of Occupational Licenses (IBOL) with the Division of Occupational and Professional Licenses (IDOPL).** **Tim Frost**, Deputy Administrator, IDOPL, reported the proposed legislation would continue the reorganization of the IDOPL. The proposal aligned the reference terms of the former IBOL into the IDOPL. In addition, the proposal aligned the reference terms of the bureau chief of the IBOL to be the administrator of the IDOPL.

**Mr. Frost** pointed out there was no impact to the General Fund or to the IDOPL dedicated fund. This proposal aligned Idaho Code references for the interpretation purposes of the IDOPL administrator.

**MOTION:**                **Senator Riggs** moved to send **S 1296** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**S 1297**                    **OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.** **Tim Frost**, reported this bill allowed for the IDOPL boards or commissions and division staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within division investigations. The bill ensured all complaints, investigations, and informal proceeding records were exempt from disclosure under the Public Records Act (PRA).

**Mr. Frost** indicated there was no impact to the State's General Fund, any dedicated fund, or federal funds. The amount of licensing investigations or the associated costs would not be increased. There was no impact to the IDOPL dedicated fund. He stated the bill simplified the administrative burden of duplicative investigative work and could lead to faster investigations and processing of licensing complaints.

**DISCUSSION:**        A discussion ensued between **Senator Burgoyne** and **Mr. Frost** about licensees requesting records, whether there was a right of discovery, and that this bill did not change the current interpretation of the PRA.

**Senator Guthrie** noted if a defendant appeared before the IDOPL Board, they should have all of the information about the complaint. **Mr. Frost** stated the intent of the bill was not to change how current statute was interpreted.

**Vice Chair Souza** remarked this was an opportunity to add some language that all information be available to the licensee.

**Senator Burgoyne** stated he would get an opinion from the Attorney General.

**MOTION:**                **Senator Riggs** moved to hold **S 1297** at the Call of the Chair. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**S 1295**                    **CREDIT UNIONS - Amends, repeals, and adds to existing law to revise provisions regarding the corporate powers and organization of credit unions.** **Ryan Fitzgerald**, NW Credit Union, stated the bill would update and modernize provisions within the Idaho Credit Union Act (ICUA) and provided flexibility and modern provisions to allow Idaho state-chartered credit unions to better serve their members. He outlined the proposed updates to the ICUA. Some of those updates included: providing additional flexibility to establish new branches and use of technology facilities; provide credit unions a legal understanding and framework of potential regulatory findings during an examination; allow credit unions to hold virtual or remote board and annual meetings; update member expulsion; provide updates to the credit union corporate powers statute that allowed flexibility in the financial service product

offerings for credit union members; reduce outdated language; and streamline the process by which credit union bylaws were adopted and approved.

**Mr. Fitzgerald** stated there was no fiscal impact to the General Fund. The provisions of the legislation related to the operations of state-chartered credit unions and no additional resources were required by the Idaho Department of Finance (IDOF).

**Mr. Fitzgerald** indicated remote or virtual technologies were used to successfully highlight the ability to provide effective interaction and participation with members. Additionally, he pointed out, the language in the bill ensured assistance from the credit union, or a live option, for those who wished to participate in these meetings, but did not have the proper technology or means to do so.

**Mr. Fitzgerald** stated the branching capabilities were updated in order to make it more streamlined and simpler to establish a new credit union branch. Currently, all credit unions have to request permission from the Director of the IDOF as well as provide significant documentation if the business wanted to build or open an additional facility to serve their members. He noted by making this change, well-run, capitalized credit unions would be allowed to establish a new branch and provide notification to the IDOF.

**DISCUSSION:**

In response to questions from the Committee relating to changes, **Mr. Fitzgerald** indicated there were few changes with the exception of electronic services, operating tax preparation, and providing services in an underserved area for those who were not members.

**Senator Agenbroad** and **Mr. Fitzgerald** discussed the compromises reached between the credit unions and the banks.

In response to a question posed by **Vice Chair Souza** relating to a CAMELS (based on an evaluation of five critical elements of a credit union's operation) rating system, **Mr. Fitzgerald** explained it was a confidential score assigned to a credit union or bank after an inspection. This score showed if the bank or credit union was well-functioning and operating properly. **Vice Chair Souza** asked for an explanation if there were some sort of Environmental, Social, and Governance (ESG) scores being formulated for customers. **Mr. Fitzgerald** explained there were specific laws that the credit unions and banks could not discriminate against customers and that ESG was not something that was being done. All customers and credit unions had to address were credit scores.

**TESTIMONY:**

**Jon Watts**, Idaho Central Credit Union, testified in support of the bill. He pointed out there was a letter of support available for the Committee to read.

**Nicholas Fugal**, Chief Financial Officer, Clarity Credit Union, testified in support of the bill. He noted he was also the Co-Chair of the Northwest Credit Union Association (NWCUA)'s Idaho Government Affairs Committee (IGAFC). He noted the IGAFC had provided guidance and approval of the collective efforts to improve and modernize the ICUA so Idaho credit unions could remain relevant to continue to provide the best financial services for members. He pointed out that credit unions were not-for-profit cooperatives focused on serving the people and communities.

**Mr. Fugal** stated several groups worked diligently with the IDOF to outline charter updates that provided a pathway to better serve Idaho Credit Union members. He outlined some of the changes in the bill.

**Richard Sherrick**, IDOF, testified in support of the bill. He stated there were no objections to this bill.

**MOTION:** **Senator Guthrie** moved to send **S 1295** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:00 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 22, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 8, 2022	Senator Souza
<b>MINUTES APPROVAL:</b>	Minutes of February 10, 2022	Senator Burgoyne
<b>MINUTES APPROVAL:</b>	Minutes of February 15, 2022	Senator Riggs
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho	Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Cynthia Fairfax, Idaho Health Insurance Exchange Board - Your Health Idaho	Cynthia Fairfax, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Lori Wolff, Administrator, Idaho Division of Human Resources	Senator Patrick

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)



MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 22, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Vice Chair Souza

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:33 p.m.

**Chairman Patrick** announced due to technical problems items would be taken out of order on the agenda.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Cynthia Fairfax, Idaho Health Insurance Exchange Board (IHIEB) - Your Health Idaho (YHI). Ms. Fairfax** gave a brief overview of her background.

**DISCUSSION:** In response to questions from the Committee about what Ms. Fairfax had learned, she responded there was a time when she did not understand YHI. She noted she learned how to apply for insurance.

Senator Burgoyne asked questions about Ms. Fairfax's involvement in the IHIEB committees, if she had anyone mentoring her, what sparked her interest in the IHIEB, and what motivated her to serve on the IHIEB. **Ms. Fairfax** responded she was involved in the Finance Committee, which was the most complex and interesting. Because she knows some of the IHIEB members she became interested in how the process worked and a commitment she thought she could manage. **Ms. Fairfax** stated as a physician she saw people and recommended a course of action, but some may walk away due to lack of insurance. In answer to a question from Senator Burgoyne, **Ms. Fairfax** stated a combination of current systems would work to improve and provide equal access to medical care.

**Senator Lakey** queried what were some of the big issues to tackle in the next couple of years. **Ms. Fairfax** indicated education was one of the biggest issues in terms of disseminating information to others as to what was accessible and available.

**Chairman Patrick** announced the gubernatorial vote to confirm Ms. Fairfax to the IHIEB would take place at the next meeting.

**MINUTES APPROVAL:** **Senator Burgoyne** moved to approve the Minutes of February 10, 2022. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**Senator Riggs** moved to approve the Minutes of February 15, 2022. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**Senator Burgoyne** moved to approve the Minutes of February 8, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE: Committee Vote on the Gubernatorial Appointment of Lori Wolff, Administrator, Idaho Division of Human Resources (IDHR).**

**MOTION:** **Senator Martin** moved to send the gubernatorial appointment of Lori Wolff, Administrator, IDHR, to the floor with the recommendation she be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT: Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board (IHIEB) - Your Health Idaho (YHI).** **Chairman Patrick** stated this gubernatorial reappointment hearing would be scheduled for the next meeting due to technical difficulties.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:52 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 24, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 17, 2022	Senator Lakey
<a href="#"><u>H 517</u></a>	OCCUPATIONAL LICENSING - Amends existing law to provide exceptions for certain disciplinary actions against dentists.	Jeremy Chou, Centurion Health
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho	Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Cynthia Fairfax to the Idaho Health Insurance Exchange Board	Senator Patrick
<a href="#"><u>H 551</u></a>	PERSI - Amends existing law to provide board authority to issue subpoenas.	Don Drum, Executive Director, Public Employees Retirement System of Idaho
<a href="#"><u>H 552</u></a>	PERSI - Amends existing law to provide for withdrawal penalty payments and to revise a provision regarding partial withdrawal.	Don Drum
<a href="#"><u>H 553</u></a>	PERSI - Adds to existing law to require background checks for certain PERSI employees.	Don Drum
<a href="#"><u>RS 29654</u></a>	Relating to Commercial Transactions - Unanimous Consent Request for Referral to a Privileged Committee for Printing.	Senator Wintrow

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
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***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, February 24, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza (Funk), Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:32 p.m.

**MINUTES APPROVAL:** **Senator Lakey** moved to approve the Minutes of February 17, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 517** **OCCUPATIONAL LICENSING - Amends existing law to provide exceptions for certain disciplinary actions against dentists.** **Mr. Chou** noted this legislation allowed dentists who work at the Idaho Department of Corrections (IDOC), employees of the vendor providing health services to the IDOC, or employees of a subcontractor of the vendor providing health services to IDOC to be employees of the IDOC. Currently, in Idaho, dentists may practice on their own behalf, as a professional services corporation, a professional limited liability company, a limited managed care plan, or an employee of a health center as defined under the Public Health Service Act. **Mr. Chou** reported this legislation ensured the Board of Dentistry could provide oversight by obtaining access to dental records and documents, and conduct enforcement proceedings if needed. In this limited circumstance of a dentist working with inmates, all dental records and documents for dental services at the IDOC are kept in Idaho and easily accessible by the Board of Dentistry. No additional funds or State effort was needed to change a dentist's employment status.

**MOTION:** **Senator Ward-Engelking** moved to send **H 517** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington to the Idaho Health Insurance Exchange Board (IHIEB).** **Mr. Edgington** testified remotely. He gave a brief background of his experience. He stated he was the chair of the Marketplace Committee and would retire soon.

**DISCUSSION:** **Senator Martin** thanked Mr. Edgington for his service.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Jerry Edgington to the IHIEB. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Agenbroad** moved to send the gubernatorial appointment of Cynthia Fairfax to the IHIEB. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**H 551**                    **PERSI - Amends existing law to provide board authority to issue subpoenas.** **Don Drum**, Executive Director, Public Employees Retirement System of Idaho (PERSI), stated this was an addition of the subpoena authority of the PERSI Board noted in Idaho Code § 59-1305, Powers and Duties of the Board, providing the authority for the PERSI Board to compel production of evidence from financial institutions deemed necessary in connection with a disputed claim or in the exercise of duties. **Mr. Drum** noted this bill provided for the enforcement of subpoenas regarding financial institutions by the district courts of Ada County. He noted this legislation may have a positive impact on the dedicated fund because it would assist the PERSI Board in collection efforts to recoup overpayments to deceased members by compelling financial institutions to disclose the recipient of overpayments.

**MOTION:**                **Senator Ward-Engelking** moved to send **H 551** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**H 552**                    **PERSI - Amends existing law to provide for withdrawal penalty payments and to revise a provision regarding partial withdrawal.** **Don Drum**, Executive Director, PERSI, remarked this bill replaced the term "liability" with the term "penalty" in Idaho Code § 59-1326. The term "penalty" provided for a better understanding during the bankruptcy process. **Mr. Drum** stated this legislation may have a positive impact on the State's General Fund or any dedicated or federal fund, because the change would result in larger recoveries in bankruptcy. While the PERSI fund was unaware of any pending bankruptcies, the improvement of status in bankruptcy proceedings could positively impact collection efforts.

**MOTION:**                **Senator Ward-Engelking** moved to send **H 552** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 553**                    **PERSI - Adds to existing law to require background checks for certain PERSI employees.** **Don Drum**, Executive Director, PERSI, stated this bill was a request for statutory authority, in cooperation with the Idaho State Police (ISP), to perform Federal Bureau of Investigation (FBI) criminal history checks. Due to the nature of the information PERSI houses, access to the information by PERSI staff, the financial and investment transaction performed, there was a desire to maximize the ability to do a background check on employees. **Mr. Drum** indicated this legislation would have a minimal annual impact on the dedicated fund, depending upon turnover in positions that would require a national FBI criminal history background check. A fee would be charged to impacted individuals to cover the cost of undergoing a criminal history check.

**MOTION:**                **Senator Agenbroad** moved to send **H 553** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**RS 29654**                **Relating to Commercial Transactions, Property - Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Chairman Patrick** noted this RS established the notification process for a credit transaction secured by a subordinate lien on real property when the senior mortgage or other senior secured interest on real property came under foreclosure.

**MOTION:**                **Chairman Patrick** asked for unanimous consent to send **RS 29654** to the State Affairs Committee for a print hearing. There were no objections.

**ADJOURNED:**            There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:50 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, March 01, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of February 22, 2022	Senator Martin
<b>MINUTES APPROVAL:</b>	Minutes of February 24, 2022	Senator Guthrie
<a href="#"><u>RS 29670</u></a>	Relating to Occupational Licensing Reform - Unanimous Consent Request for Referral to a Privileged Committee for Printing.	Kate Haas, Oppor. Solutions Project
<a href="#"><u>H 556</u></a>	SECURITIES - Amends existing law to provide correct terminology, to clarify provisions regarding disciplinary conditions, to revise provisions regarding the statute of limitations, and to provide references to United States Code.	Anthony Polidori, Deputy Director, Idaho Department of Finance
<a href="#"><u>H 609</u></a>	LIENS OF MECHANICS AND MATERIALMEN - Amends existing law to revise provisions regarding a claim of a lien and to provide for attorney's fees and costs in certain instances.	Rep. Troy
<a href="#"><u>H 612</u></a>	OCCUPATIONAL LICENSING - Adds to existing law to provide for the expungement of certain disciplinary action related to licensure.	Senator Lakey
<a href="#"><u>H 463</u></a>	DEPARTMENT OF ADMINISTRATION - Amends existing law to increase the authorized limitation for public works projects.	Keith Reynolds, Director, Idaho Department of Administration
<a href="#"><u>H 594</u></a>	HUMAN RESOURCES DIVISION - Amends and repeals existing law to provide for consistency of terminology with respect to state employees.	Rep. Horman

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, March 01, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Senator Riggs

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Vice Chair Souza** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** announced the approval of the Minutes of February 22, 2022 would be heard later in the meeting.

**Senator Guthrie** moved to approve the Minutes of February 24, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**RS 29670**

**Relating to Occupational Licensing Reform - Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Kate Haas**, Opportunity Solutions Project, noted this legislation was a terminology clean-up bill consistent with the Occupational Licensing Reform Act (OLRA) passed by the Idaho Legislature in 2020. The reform bill created a new process for how licensing boards considered and evaluated an applicant's past criminal conviction in Idaho Code Chapter 94, Title 67. The 2020 bill removed licensure denials on the basis of vague or generic terminology related to a criminal conviction, including "moral turpitude" or "moral character." She said the bill reduced confusion and conflict in law by updating all Idaho Division of Occupational and Professional Licensing (IDOPL) boards and commission statute references in alignment with Idaho Code. **Ms. Haas** stated the bill would create clear direction for licensing boards when considering applications.

**MOTION:** **Senator Burgoyne** asked for unanimous consent to send **RS 29670** to the Judiciary and Rules Committee for a print hearing. There were no objections.

**H 556**

**SECURITIES - Amends existing law to provide correct terminology, to clarify provisions regarding disciplinary conditions, to revise provisions regarding the statute of limitations, and to provide references to United States Code.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), explained the proposed legislation clarified the application of denial or suspension actions specific to certain registrants. He said, additionally, the legislation made non-substantive technical corrections to various sections of the statute. Also, the legislation amended provisions that limited the ability of investors to obtain relief in a private right of action.

**Mr. Polidori** pointed out there was no impact to the General Fund, the IDOF State Regulatory Fund (FIAA), or federal fund because license application fees collected by the IDOF were not altered nor the application of the Idaho Uniform Securities Act (IUSA) registration requirements to entities conducting covered activities in Idaho.



**DISCUSSION:** **Senator Burgoyne** commented the changes on page 8 regarding the statute of limitations was a big improvement.

**MOTION:** **Senator Agenbroad** moved to send **H 556** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 609** **LIENS OF MECHANICS AND - Amends existing law to revise provisions regarding a claim of a lien and to provide for attorney's fees and costs in certain instances.** **Senator Guthrie** remarked the proposed legislation amended Idaho Code to clarify the materials lien process must include certain documentation and notification, and the prevailing party would be entitled to recover attorney fees.

**Senator Guthrie** noted there was no cost to the General Fund or to local municipalities because the lien process was already in place. There would be a nominal cost to the potential claimant for the notification process.

**MOTION:** **Senator Ward-Engelking** moved to send **H 609** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 612** **OCCUPATIONAL LICENSING - Adds to existing law to provide for the expungement of certain disciplinary action related to licensure.** **Senator Lakey** noted this legislation allowed an Idaho licensing authority to consider and grant a request for the expungement of disciplinary action previously imposed on a person's occupational license. A licensing authority would be required, upon request, to expunge any prior disciplinary action based on failure to timely renew a license or failure to complete required continuing education. He stated this legislation removed all requirements for a licensee to report expunged disciplinary action on future licensing or renewal applications in Idaho. However, this bill did not apply to civil or criminal convictions.

**Senator Lakey** remarked there was no impact to the General Fund, dedicated, or federal funds. There was no impact to the dedicated funds of licensing boards, as any expungement request could be reviewed by a licensing authority in a timely manner at regularly scheduled board or commission meetings.

**Senator Lakey** requested this bill be sent to the 14th Order of Business for possible amendment. He noted Subsection 5, § 28-310(2) should be corrected to reflect that the person needed to continue to maintain proper conduct because if there was a second violation of the same nature, that showed a pattern.

**DISCUSSION:** **Senator Burgoyne** and **Senator Lakey** discussed how things were handled when there was an expungement at the State level versus the criminal side. **Senator Lakey** remarked that expungement was less of an issue with the State system.

**MOTION:** **Senator Martin** moved to send **H 612** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Martin** moved to approve the Minutes of February 22, 2022. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

H 463

**DEPARTMENT OF ADMINISTRATION - Amends existing law to increase the authorized limitation for public works projects.** **Keith Reynolds**, Director, Idaho Department of Administration (IDOA), affirmed this legislation increased the limit for the delegation of public works projects from \$150,000 to \$300,000. He explained the limit had not been increased since 1996. The delegation of projects was requested by agencies based on in-house project management capability with approval at the discretion of the Permanent Building Fund Advisory Council (PBFAC).

**Mr. Reynolds** stated there was no impact to the General Fund, any dedicated, or federal fund because projects would only be delegated to agencies with available resources.

**MOTION:**

**Senator Lakey** moved to send **H 463** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

H 594

**HUMAN RESOURCES DIVISION - Amends and repeals existing law to provide for consistency of terminology with respect to state employees.** **Lori Wolff**, Administrator, Idaho Division of Human Resources (IDHR), reported the purpose of the legislation was to add clarification on how State law was applied to all State employees, while also clarifying which sections of Idaho's personnel system laws applied to classified employees. She stated adding inclusive language to include "classified and nonclassified state employees" would help to ensure employee best practice standards were applied across all State employees in the executive department and provide a foundation for decision and policies. The changes would further clarify that only classified State employees were subject to the merit system and due process.

**Ms. Wolff** indicated there was no impact to the General Fund, any dedicated or federal fund because clarification was added to current statute language.

**DISCUSSION:**

In response to several questions by Senator Burgoyne about the language in the bill outlining the definition and difference between non-classified and classified employees, **Ms. Wolff** pointed out that not every section of the bill would apply to non-classified employees. There were certain sections that applied to classified employees and to non-classified employees. They discussed the removal of health districts which was located in another section of code. **Ms. Wolff** indicated there was no intent to do anything with public health districts.

**Senator Guthrie** and **Ms. Wolff** discussed the intention was not to make any changes, but rather to provide clarity as to how sections of code applied. They discussed the mitigation of concerns for employees, especially at the universities, and the non-interference with faculty staff contracts. **Ms. Wolff** noted many changes were made to accommodate the support for this legislation. She noted the IDHR worked with Risk Management to make sure clarity was provided as to how the State laws applied.

**Senator Agenbroad** and **Ms. Wolff** discussed how the Idaho employment rules applied to boards and commissions. She stated these rules applied to all of the agencies and commissions who reported to the Governor.

**Senator Burgoyne** said he had more questions and wanted to meet with someone from IDHR to clarify some of the wording. He stated he thought this bill should be sent to the 14th Order of Business for possible amendment.

**Senator Martin** expressed a concern if the bill was held he was worried about the transmittal date deadline.

**MOTION:** **Senator Martin** moved to hold **H 594** in Committee until the next meeting. **Senator Burgoyne** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Guthrie** moved to send **H 594** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**. Senators Burgoyne and Ward-Engelking voted nay.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:16 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
1:30 P.M.  
Room WW54  
Thursday, March 03, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1354</u></a>	BARBER AND COSMETOLOGY SERVICES - Amends existing law to establish an apprenticeship program for certain high school students.	Senator Harris
<a href="#"><u>S 1297</u></a>	OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1355</u></a>	COMMERCIAL TRANSACTIONS - Adds to existing law to provide for restrictions on actions arising from a regulated credit transaction primarily secured by a mortgage or deed of trust on residential real property.	Senator Wintrow
<a href="#"><u>S 1300</u></a>	CONSUMER PROTECTION - Amends existing law to prohibit taking advantage of a disaster or an emergency by charging exorbitant or excessive prices for temporary health care services.	Robert VandeMerwe, Exec. Dir., ID Health Care Assn. Steve LaForte, General Counsel, Director of Corporate Affairs Cascadia Health Care
<a href="#"><u>S 1269</u></a>	INSURANCE - Amends existing law to provide certain limitations on coverage.	Senator Riggs
<a href="#"><u>S 1281</u></a>	INSURANCE - Amends existing law to provide for a certain presumption regarding underinsured motor vehicle coverage.	Senator Guthrie

**Public Testimony Will Be Taken by Registering Through the Following Link:**  
[Register to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
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MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, March 03, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**S 1354** **Relating to Barber and Cosmetology Services.** **Senator Harris** stated this legislation allowed high schools students who had completed two years of high school to enroll in a licensed barber or cosmetology program and begin accruing training hours during their junior year. He noted the legislation clarified the previous age requirement of 16-1/2 years old applied to the qualification for licensure at the time of application. **Senator Harris** said a high school student enrolled in a licensed program may be under 16-1/2 years of age while accruing the course of instruction hours required for licensure. There would not be an impact on the General Fund or any dedicated or federal fund because the proposed legislation did not change any fee schedules or financially impact the Barbers and Cosmetology Board or Idaho Division of Occupational and Professional Licenses (IDOPL) dedicated fund.

**MOTION:** **Vice Chair Souza** moved to send **S 1354** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**S 1297** **OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.** **Tim Frost**, Deputy Administrator, IDOPL, reported this bill allowed for the IDOPL boards or commissions and IDOPL staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within IDOPL investigations. The bill ensured all complaints, investigations, and informal proceeding records were exempt from disclosure under the Public Records Act. This bill was held at the Call of the Chair until an opinion could be rendered by the Idaho Attorney General. Being satisfied with the Attorney General's opinion, this item was placed on the agenda for a hearing.

**MOTION:** **Senator Burgoyne** moved to send **S 1297** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**S 1355** **RELATING TO NOTIFICATION PROCESS FOR THE CREDIT UNION.** **Senator Wintrow** stated this legislation established the notification process for a credit transaction that was secured by a subordinate lien on real property when the senior mortgage or other senior secured interest on real property came under foreclosure. **Senator Wintrow** indicated this legislation established a process for communicating between a financial institution and a lienholder, and or any appropriations or any future increase in appropriations. There was no anticipated fiscal impact.

**DISCUSSION:** **Chairman Patrick** referred to the "last known address" in the bill and queried if a person just lost their house, would they have another address. **Senator Wintrow** stated 90 days was determined to be sufficient and hoped people filed a forwarding address.

**Senator Agenbroad** asked if this bill changed the statute of limitations. **Senator Wintrow** stated the conditions and terms of the note did not change.

**Vice Chair Souza** queried if the reminder was sent and there was no response, was there a responsibility on the lender's part to keep sending notifications. **Senator Wintrow** indicated there was no obligation for the lender to continue sending out reminders. **Senator Burgoyne** commented this bill helped the former homeowner and the lienholder.

**TESTIMONY:** **Trent Wright**, President and Chief Executive Office of the Idaho Bankers Association, testified he worked with Senator Wintrow extensively on this bill and he was in support of the bill.

**DISCUSSION:** **Senator Lakey** and **Mr. Wright** discussed the kind of notification presently provided for foreclosures.

**MOTION:** **Senator Ward-Engelking** moved to send **S 1355** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**S 1300** **CONSUMER PROTECTION - Amends existing law to prohibit taking advantage of a disaster or an emergency by charging exorbitant or excessive prices for temporary health care services.** **Robert VandeMerwe**, Executive Director, Idaho Health Care Association, remarked this legislation addressed the predatory pricing staffing agencies were charging health care providers for interim staffing during the health care emergency. He noted there would likely be an unknown savings to the General Fund as these costs were allowable expenses under the Medicaid reimbursement system. Limiting predatory pricing for interim health care staff would limit Medicaid expenses.

**DISCUSSION:** In response to several questions from the Committee, **Mr. VandeMerwe** noted when using a staffing agency there were instances where staffing services had hired employees away from employers and leased them back at a higher rate. He stated facilities try not to use staffing agencies for that reason. In addition, he discussed how price gouging would be determined with an investigation by the Attorney General's office. He indicated this bill did not address the employee, but the larger businesses providing temporary workers. He explained this bill was brought forth because prices of the staffing agencies was increased exponentially, with the last two years rising by 200 to 300 percent. This bill did not set prices.

**Vice Chair Souza** expressed a concern about traveling nurses who had to pay for travel, lodging, and meals. She stated she thought the staffing company took all of that into consideration. She queried if there should be a distinguishing factor for traveling nurses that came from another part of the country as opposed

to those who worked close to home. **Mr. VandeMerwe** stated this could be a factor.

**Senator Burgoyne** questioned whether the definition of a temporary worker as opposed to the individual was not clearly defined. He stated he thought it was an easy fix to make the terms more precise and recommended the bill be sent to the amending order.

**TESTIMONY:** **Steve LaForte**, General Counsel, Director of Corporate Affairs, Cascadia Health Care, testified in support of the bill. He remarked there was a staffing shortage crisis. He stated wages were raised over 12 percent but staffing agencies raised fees between 89 to 117 percent. Facilities did not operate on a free market principle. He stated agencies were not regulated.

**DISCUSSION:** **Vice Chair Souza** and **Mr. LaForte** discussed how the current administration in Washington, D.C. was not moving forward to increase payments for Medicare and Medicaid. **Mr. LaForte**, in answer to questions from Vice Chair Souza, noted he wanted the final outcome of this legislation to prevent staffing agencies from price gouging and wanted what was reasonable. He stated agencies were entitled to make a profit, but private companies did not want to be crippled.

**MOTION:** **Senator Burgoyne** moved to send **S 1300** to the 14th Order of Business for possible amendment. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senators Lakey and Martin voted nay.

**S 1269** **INSURANCE - Amends existing law to provide certain limitations on coverage.** **Senator Riggs** introduced the presenters for this bill, namely, Matt Andrew, Attorney; Daniel Luker, Attorney; and Representative Ruchti. **Senator Riggs** stated there would possibly be more presenters.

**Mr. Andrew** reported this proposed legislation would eliminate the problem of phantom insurance by offsetting excess coverage or stacking, in addition to any amounts paid for by the "at fault" party. This insurance was protection if someone hurt an insured irresponsibly.

**Senator Burgoyne** disclosed for the record he had a conflict of interest pursuant to Senate Rule 39 (H), but intended to vote.

**Daniel Luker**, Attorney, cited several Idaho Supreme Court cases regarding non-access of insurance that an insured had paid for but was worth nothing. He said the courts said this was a legislative issue (Attachment 1).

**DISCUSSION:** **Senator Martin** and **Mr. Luker** discussed this legislation and why it was being addressed this year in response to what was asked of by the Committee. **Senator Riggs** remarked the reason he was involved was because something like this happened to him in 2003. The Legislature had a responsibility to do something.

**PRESENTATION:** **Representative Ruchti** noted uninsured motorists coverage was not accessible when a insured and the victim had the same amount of coverage. He went over the handouts provided to the Committee (Attachment 2) . He stated the underinsured motorist policies provided the consumer with little or no benefits. He stated the consumer should get what they pay for.

**DISCUSSION:** In answer to a question from **Vice Chair Souza**, **Representative Ruchti** noted State Farm was the only company that sold excess policy products on a voluntary basis. Other companies sold offset policies where the full value of the policy was not realized.

**TESTIMONY:** **Jeff Neumeyer**, Attorney, United Heritage Financial Group, spoke in opposition to the bill. He stated consumers did not understand how underinsured motorist coverage worked. He referred to several exhibits (Attachment 3).

**DISCUSSION:** **Senator Martin** and **Mr. Neumeyer** discussed the actual costs for an increase in rates if this bill passed. **Mr. Neumeyer** stated the price increase would be substantial. He stated rates were actuarially sound and had to be approved by the Idaho Department of Insurance. He referred again to the exhibits. He noted he opposed this bill as it was not good for policyholders.

**TESTIMONY:** **Joel Beck**, Attorney, practicing in Pocatello, Idaho, testified remotely in support of the bill. He remarked an auto insurance policy was not negotiable. Policyholders did not understand the ramifications of the limitations of coverage.

Written testimony in support of the bill was received from Maureen Moran, Caldwell (Attachment 4); DeLon Lee, Twin Falls and Erin Jones, Boise (Attachment 5). Jesse Llewellyn sent in written testimony in support of the bill.

Written testimony in opposition to the bill was received from Michael Kane, American Property Casualty Insurance Association and the National Association of Mutual Insurance Companies (Attachments 6 and 6A) and Stephen Thomas, Farm Bureau Mutual Insurance Company of Idaho (Attachment 7). **Chairman Patrick** stated the testimony and bills would be continued at the next meeting on March 10, 2022.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:00 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



*Hill v. American Family Mutual Insurance Company*, 150 Idaho 619 (2011)

“As this Court observed before the Legislature implemented the UIM mandate, many drivers in this state “may well be in a better position if a tortfeasor carries no insurance whatsoever rather than carrying the minimum coverage mandated by the statute,” and that **“the matter deserves legislative attention.”** *Hill v. American Family Mutual Insurance Company*, 150 Idaho 619, 625 (2011) citing *Blackburn v. State Farm*, 108 Idaho 85, p. 90 (1985). [Emphasis added]

“The Legislature has required that insurers offer UIM coverage to all motorists, not UIM coverage conditioned on totally depleting the tortfeasor’s policy. Exhaustion clauses **have no purpose but to dilute Idahoan’s protection against underinsured drivers and to prevent insureds from collecting legitimate claims. They are a product of the insurance company’s sophistication and bargaining power.”** *Hill v. American Family Mutual Insurance Company*, 150 Idaho 619, 634 (2011) [Emphasis added]

*Wood v. Farmers Insurance Co. of Idaho*, 166 Idaho 43, 46 (2019)

(\$100,000 of liability coverage with \$100,000 of UIM coverage)

“The bottom line is that the legislative history and text of Idaho Code section 41-2502 demonstrate that the Idaho Legislature knew that insurers would offer different kinds of UIM coverage, decided not to require insureds to offer only excess-type UIM coverage, and chose to allow the use of offset-type UIM coverage.” *Wood v. Farmers Insurance Co. of Idaho*, 166 Idaho 43, 46 (2019) [Emphasis in original]

*Pena v. Viking Insurance Co.* Docket No. 48379, p. 7-8 Feb 1, 2022)

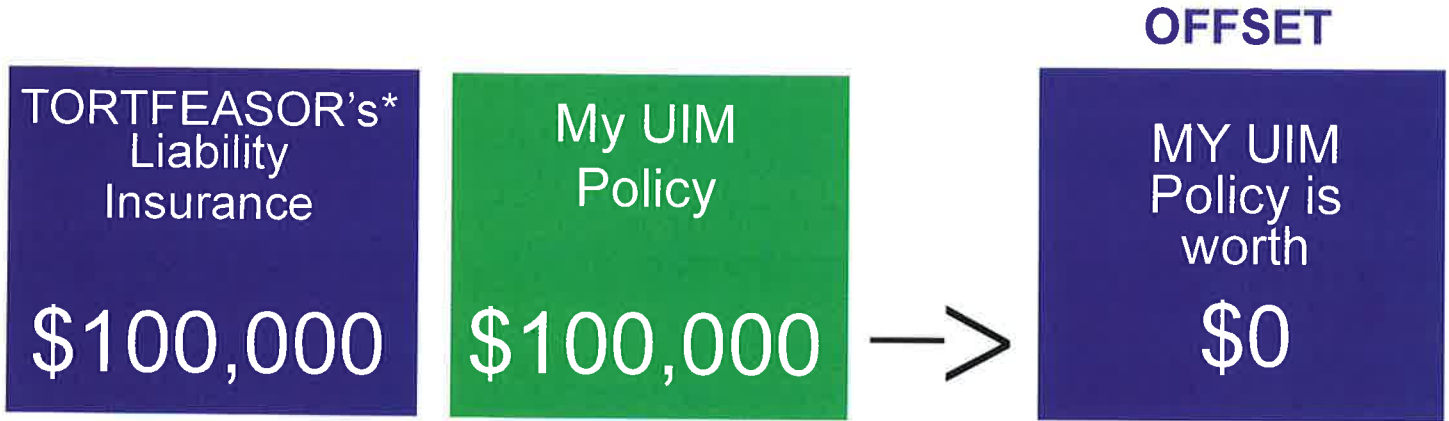
(\$25,000 of minimum limits liability coverage with \$25,000 of UIM coverage)

“The Crux of the issue before us is whether an insurance contract that offers UIM coverage in the same minimum amount as what is legally required for liability insurance renders the UIM coverage illusory. We hold that when minimum-limits UIM is offered, paid for, and then excluded away, as Viking did her, it is illusory. . . . [A] policy is illusory if it appears that if any actual coverage does exist it is extremely minimal and affords no realistic protection to any group or class of injured persons. *Pena v. Viking Insurance Co.* Docket No. 48379, p. 7-8 Feb 1, 2022)

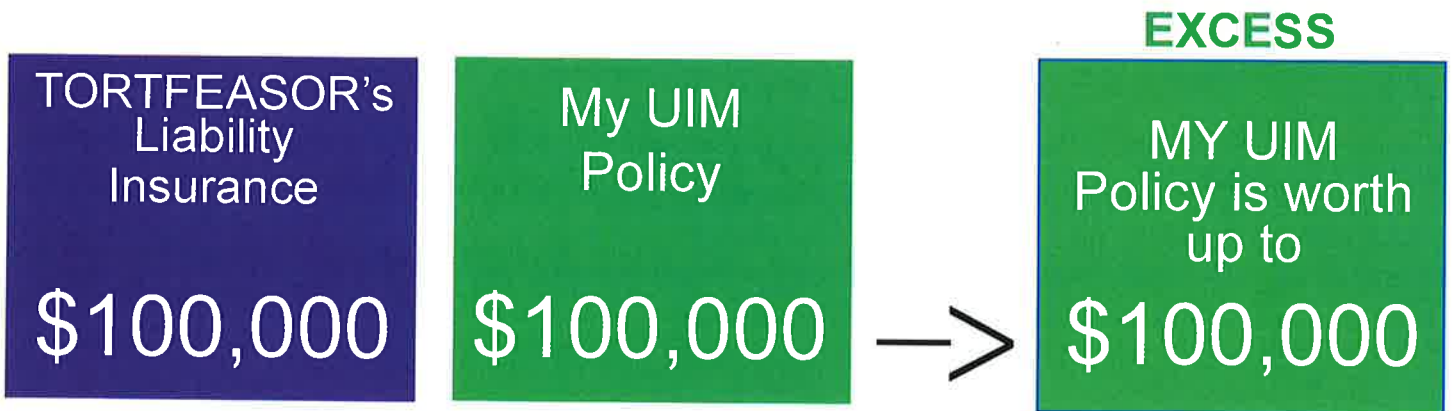
“Recognizing that public policy, and our duty to “scrupulously guard such benefits for Idaho citizens,” we conclude that Viking’s policy, as written or \$25,000 minimum limits coverage, is illusory under Idaho’s public policy to protect those injured by underinsured motorists. *Pena v. Viking Insurance Co.* Docket No. 48379, p. 10 Feb 1, 2022), citing *Hill v. American Family Mutual Insurance Company*, 150 Idaho 619 (2011)

March 3, 2022

# Idaho's Underinsured Motorist Insurance



Under Idaho's Offset law, your insurance company can reduce your UIM coverage by the amount of liability coverage the at-fault driver has.



Under the proposed change to Excess, insurance companies will NOT be able to reduce your UIM policy.

## We should get what we pay for

One insurance company with a large market share already sells excess insurance and is competitive with other companies who only offer offset coverage.

\*Tortfeasor: a wrongdoer; an individual who commits a wrongful act that injures another and for which the law provides a legal right to seek relief. (At-fault driver)

Explanation of Benefits of UIM (Underinsured Motorist Coverage) after a car crash that is not my fault with medical bills of \$125,000.

	My purchased UIM policy	Benefit paid under <b>S1269</b> (UIM + liability)	Benefit paid under S1281 (UIM + liability - credit)
A	\$25,000*	\$50,000*	\$25,000*
B	\$50,000	\$75,000	\$50,000
C	\$50,000	\$100,000	\$50,000
D	\$100,000	\$125,000**	\$100,000

**Senate Bill 1269** (Complete fix):

	My medical bills	My purchased UIM policy	At-fault driver's liability policy	My policy value (Excess)	Benefit paid (UIM + liability)
A	\$125,000	\$25,000*	\$25,000	\$25,000	\$50,000
B	\$125,000	\$50,000	\$25,000	\$50,000	\$75,000 (50+25=75)
C	\$125,000	\$50,000	\$50,000	\$50,000	\$100,000 (50+50=100)
D	\$125,000	\$100,000	\$50,000	\$100,000	\$125,000** (75+50=125)**

\*\*Under S1269, benefits are limited to actual damages

**Senate Bill 1281**

	My medical bills	My purchased UIM policy	At-fault driver's liability policy	My policy value after credit taken (Offset)	Benefit paid (UIM + liability - credit)
A	\$125,000	\$25,000*	\$25,000	\$0	\$25,000
B	\$125,000	\$50,000	\$25,000	\$25,000	\$50,000 (50+25-25=50)
C	\$125,000	\$50,000	\$50,000	\$0	\$50,000 (50+50-50=50)
D	\$125,000	\$100,000	\$50,000	\$50,000	\$100,000 (100+50-50=100)

\*The UIM policies of \$25k have been removed as the ISC ruled them illusory.

Insurance Carrier	policy term	Underinsured coverage	type of car	term length	Premium	Extrapolated to 1 year
Geico	6/08/2020-12/08/2020	25,000	2006 Hummer 3	6 months	7.49	14.98
Geico	6/08/2020-12/08/2020	25,000	2011 Nissan Versa	6 months	7.49	14.98
Geico	6/08/2020-12/08/2020	25,000	2006 Ford F150	6 months	7.49	14.98
Progressive	2/2/2021-8/22/2021	25,000	2015 Ford F150	6 months	10.00	20.00
Geico	6/08/2020-12/08/2020	25,000	2008 Ford F150	6 months	7.49	14.98
Geico	11/11/2021-5/11/2022	25,000	2006 Ford Taurus	6 months	8.19	16.38
Progressive	5/3/2019-5/3/2020	25,000	1990 Harley Davidson	1 year	9.00	9.00
Geico	6/08/2020-12/08/2020	25,000	2008 Chevy Suburban	6 months	7.49	14.98
Progressive	2/2/2021-8/22/2021	25,000	2012 Ford Fusion	6 months	17.00	34.00
Progressive	2/2/2021-8/22/2021	25,000	2010 Ford F150	6 months	9.00	18.00
Geico	6/08/2020-12/08/2020	25,000	2008 Hyundai Sonata	6 months	7.49	14.98
Geico	11/11/2021-5/11/2022	25,000	2011 Toyota Highlander	6 months	8.19	16.38
Progressive	7/22/2020-1/22/2021	50,000	2005 Nissan Pathfinder	6 months	22.00	44.00
Progressive	7/22/2020-1/22/2021	50,000	2017 Subaru Forester	6 months	18.00	36.00
State Farm	8/11/2019-2/11/2019	50,000	2005 Ford Focus	6 months	11.31	22.62
Progressive	7/22/2020-1/22/2021	50,000	2013 GMC Sierra	6 months	19.00	38.00
Auto-Owners Ins. Co.	7/20/2020-7/20/2021	50,000	2009 Nissan Murano	1 year	34.90	34.90
Allstate	4/15/2020-10/15/2020	50,000	2010 BMW 335xi	6 months	1.84	3.68
Allstate	4/15/2020-10/15/2020	50,000	2005 Chevy Silverado	6 months	3.25	6.50
Allstate	4/15/2020-10/15/2020	50,000	2003 Honda Assent	6 months	2.23	4.46
Allstate	4/15/2020-10/15/2020	50,000	2013 Toyota Corolla	6 months	4.87	9.74
Acuity	10/29/2021-10/29/2022	100,000	2019 Dodge Charger	1 year	34.00	34.00
MetLife	11/14/2019-11/14/2020	100,000	2006 Nissan Altima	1 year	28.00	28.00

MetLife	11/14/2019-11/14/2020	100,000	2012 Chevy Equinox	1 year	28.00	28.00
American Family	1/18/2019-1/18/2020	100,000	2018 Dodge Ram	1 year	33.05	33.05
Metlife	3/1/2020-3/1/2021	100,000	2013 Toyota Sienna	1 year	10.00	10.00
Metlife	3/1/2020-3/1/2021	100,000	2019 Honda Ridgeline	1 year	10.00	10.00
Metlife	3/1/2020-3/1/2021	100,000	2002 Honda Accord	1 year	18.00	18.00
American Family	1/18/2019-1/18/2020	100,000	1999 Ford Expedition	1 year	33.05	33.04
Metlife	3/1/2020-3/1/2021	100,000	2005 Toyota Camry	1 year	18.00	18.00
Acuity	10/29/2021-10/29/2022	100,000	2018 Ford Edge	1 year	27.00	27.00
Safeco	10/29/2018-3/9/2019	250,000	2005 Subaru Legacy	6 months	43.60	87.20
USAA	8/5/2021-2/5/2022	300,000	2013 Nissan Xterra	6 months	4.08	8.16
Geico	2/1/22-8/1/22	300,000	2005 Chevy Silverado	6 months	13.48	26.96
Geico	2/1/22-8/1/22	300,000	1990 Ford F150	6 months	13.48	26.96
Geico	2/1/22-8/1/22	300,000	2021 Hyundai Sonata	6 months	13.48	26.96
Geico	2/1/22-8/1/22	300,000	2015 Ram 1500	6 months	13.48	26.96
USAA	8/5/2021-2/5/2022	300,000	2019 Honda CR-V	6 months	4.24	8.48
The Main Street America Group	8/18/2020-8/15/2021	500,000	2015 Nissan NV	1 year	14.00	14.00
The Main Street America Group	8/18/2020-8/15/2021	500,000	2001 Honda Accord	1 year	11.00	11.00
Allstate	4/3/2018-10/13/2018	500,000	2000 Mercury Sable	6 months	20.58	41.16
Allstate	4/3/2018-10/13/2018	500,000	2001 Ford Explorer	6 months	20.43	40.86
Allstate	4/3/2018-10/13/2018	500,000	2002 Chrysler Concorde	6 months	41.26	82.26
Allstate	4/3/2018-10/13/2018	500,000	2008 Ford Taurus	6 months	17.49	34.98
Allstate	4/3/2018-10/13/2018	500,000	2007 Ford 500	6 months	19.70	39.40
Farmers	10/5/2021-4/5/2021	500,000	2011 Toyota Prius	6 months	8.25	16.50
Farmers	10/5/2021-4/5/2021	500,000	2017 Jaguar F-pace	6 months	8.25	16.50
The Main Street America Group	8/18/2020-8/15/2021	500,000	2013 Mazda 3	1 year	13.00	13.00

The Main Street America Group	8/18/2020-8/15/2021	500,000	2001 Toyota Sequoia	1 year	9.00	9.00
USAA	2/20/2022-8/20/2022	1,000,000	2005 Ford F-250	6 months	9.63	19.26
USAA	2/20/2022-8/20/2022	1,000,000	1986 Jeep 4x4	6 months	7.85	15.70
USAA	2/20/2022-8/20/2022	1,000,000	2013 Mercedes	6 months	9.07	18.14

March 3, 2022

S 1269 Debate Hearing  
Senate Commerce Committee  
March 3, 2022

Jeff Neumeyer, General Counsel for United Heritage Financial Group. United Heritage is a mutual insurance company owned by our policyholder members with our corporate headquarters located in Meridian, Idaho. On behalf of United Heritage and our policyholder members, the following exhibits are submitted in support of oral testimony to be given at the hearing in opposition to S 1269.

**EXHIBITS SUPPORTING OPPOSITION TESTIMONY**

Exhibit A: Idaho Uninsured and Underinsured Motorist Disclosure

Exhibit B: Neumeyer Auto Policy Declarations

Exhibit C: Neumeyer Umbrella Policy Declarations

Exhibit D: Neumeyer Motorcycle Quote

# Exhibit A



**IDAHO AUTO SUPPLEMENT**

PRODUCER		NAMED INSURED(S)	
POLICY NUMBER	EFFECTIVE DATE	CARRIER United Heritage Property & Casualty Company	NAIC CODE 18939

**IDAHO UNINSURED MOTORIST AND UNDERINSURED MOTORIST DISCLOSURE--Do not sign until you read**

Idaho law requires that every auto liability insurance policy include **Uninsured Motorist (UM)** bodily injury coverage and **Underinsured Motorist (UIM)** bodily injury coverage, unless a named insured (you) has rejected these coverages in writing, which may be in electronic format.

These coverages can protect you and your passengers by paying damages, up to the UM/UIM policy limits you have chosen, when an at-fault person does not have any or enough liability coverage.

- **UM** coverage may pay damages for bodily injuries caused by an at-fault motorist who has no insurance, or from a hit-and-run vehicle where the at-fault party is unknown.
- **UIM** coverage may pay damages for bodily injuries if the at-fault motorist does not have enough liability insurance to cover your costs. UIM coverage is offered in different types by different insurers, and insurers are not required to offer more than one type of UIM coverage. The most common available type of UIM coverage is "Difference in Limits" (or "Offset") Coverage. Some insurers may offer "Excess" Coverage. **Please refer to the attached examples to see how the different types of UIM coverage may impact your level of protection.**

You have the option to purchase both UIM and UM coverage in varying amounts at or above the minimum liability requirements in Idaho, which are \$25,000 per person, \$50,000 for two or more persons in any one accident. By signing below, you acknowledge that the insurance company has explained the following UM/UIM coverages that are available as part of your policy:

**Insurer:** United Heritage Property & Casualty Co    **UIM Type:**    Difference in Limits (Offset)    Excess

I have read the above explanation of Uninsured Motorist and Underinsured Motorist coverages. I understand that I have the option to reject either or both coverages.

\_\_\_\_\_  
Named Insured (print name)\_\_\_\_\_  
Signature of Named Insured\_\_\_\_\_  
Date**UNINSURED AND UNDERINSURED MOTORIST COVERAGE WAIVER - OPTION TO REJECT**

I understand that, by signing below, I am informing my insurer that I choose to reject the UM/UIM coverage(s) under my automobile liability policy, or under any renewal or replacement of my policy.

I reject and do not wish to purchase *Uninsured Motorist* Coverage (UM).

\_\_\_\_\_  
Signature of Named Insured (only if rejecting)\_\_\_\_\_  
Date

I reject and do not wish to purchase *Underinsured Motorist* Coverage (UIM).

\_\_\_\_\_  
Signature of Named Insured (only if rejecting)\_\_\_\_\_  
Date

**This general explanation is NOT an insurance agreement. All auto insurance policies have terms and conditions that control your rights and obligations as a policyholder. For a more detailed explanation of these coverages, refer to your policy, agent or the insurer. The Idaho Department of Insurance can also provide assistance with insurance related questions. Call 800-721-3272 (Idaho only) or 208-334-4250 or visit the Department's website at [www.doi.idaho.gov](http://www.doi.idaho.gov).**

	<b>"Difference in Limits" (or "Offset") UIM</b>	<b>"Excess" UIM</b>
Definition of the type of UIM coverage	Your UIM coverage limits are reduced or eliminated by any amounts recovered from another party's insurance.	Your UIM coverage limits are above and beyond what is paid by another party's insurance.

**Example 1**  
**At-fault motorist and you have the same bodily injury/UIM coverage limits**

	<b>"Difference in Limits" (or "Offset") UIM</b>	<b>"Excess" UIM</b>
Bodily Injury liability limit of at-fault motorist	\$25,000	\$25,000
Your Underinsured Motorist (UIM) Coverage limit	\$25,000	\$25,000
Maximum available for your bodily injury	\$25,000	\$50,000
Example 1 explanation	Your UIM coverage doesn't provide additional coverage above the at-fault motorist's coverage because they have the same limit	Your UIM coverage increases the available Bodily Injury coverage above the at-fault motorist's coverage limit

**Example 2**  
**At-fault motorist has lower bodily injury coverage limits than your UIM**

	<b>"Difference in Limits" (or "Offset") UIM</b>	<b>"Excess" UIM</b>
Bodily Injury liability limit of at-fault motorist	\$25,000	\$25,000
Your Underinsured Motorist (UIM) Coverage limit	\$100,000	\$100,000
Maximum available for your bodily injury	\$100,000	\$125,000
Example 2 explanation	Your UIM coverage covers any deficiency in the at-fault motorist's Bodily Injury coverage, as if the at-fault motorist had Bodily Injury coverage at your UIM limit	Your UIM coverage increases the available Bodily Injury coverage above the at-fault motorist's coverage limit

# Exhibit B



POLICY NUMBER: [REDACTED]

**AUTOMOBILE POLICY DECLARATIONS**

**NAMED INSURED:**

[REDACTED]

**POLICY CHANGE**

**CHANGED EFFECTIVE:** SEPT 3 2021  
**POLICY PERIOD FROM:** JUNE 16 2021  
**TO:** JUNE 16 2022

at 12:01 A.M. standard time at the address of the insured as stated herein.

**AGENT:**

MARSH & MCLENNAN AGENCY LLC

[REDACTED]

**AGENT TELEPHONE:**

[REDACTED]

**RATED DRIVERS**

2013 ACURA MDX TECHNOLOGY 4 DOOR ID# [REDACTED]  
2010 TOYOTA TUNDRA CREWMAX LIM 4 DOOR PICK-UP ID# [REDACTED]

Insurance is afforded only for the coverages for which limits of liability or premium charges are indicated.

COVERAGES	2013 ACUR LIMITS	PREMIUMS	2010 TOYT LIMITS	PREMIUMS
<b>COMBINED SINGLE LIMIT:</b>				
BODILY INJURY & PROPERTY DAMAGE LIABILITY	\$500,000 Each Occurrence	\$ 533.00	\$500,000 Each Occurrence	\$ 609.60
<b>UNINSURED MOTORISTS:</b>				
COMBINED BI & PD LIABILITY	\$500,000 Each Accident	28.90	\$500,000 Each Accident	22.80
<b>UNDERINSURED MOTORISTS:</b>				
COMBINED BI AND PD LIABILITY	\$500,000 Each Accident	24.80	\$500,000 Each Accident	19.70
<b>COMPREHENSIVE</b>	Actual Cash Value Less \$250 Deductible Full Safety Glass	84.30	Actual Cash Value Less \$250 Deductible Full Safety Glass	51.40
<b>COLLISION</b>	Actual Cash Value Less \$500 Deductible Diminishing Ded \$400	263.70	Actual Cash Value Less \$500 Deductible Diminishing Ded \$400	183.00
<b>ULTRA COVERAGE LEVEL</b>		120.60		114.30
		<b>TOTAL \$ 1,055.30</b>		<b>TOTAL \$ 1,000.80</b>

You may pay your premium in full or in installments. There is no installment fee for the following billing plans: Full Pay. Installment fees for all other billing plans are listed below. If more than one policy is billed on the installment bill, only the highest fee is charged. The fee is:  
\$2.00 per installment for recurring automatic deduction (EFT)  
\$5.00 per installment for recurring credit card or debit card  
\$5.00 per installment for all other payment methods

-CONTINUED-



POLICY NUMBER: [REDACTED]

**AUTOMOBILE POLICY DECLARATIONS**

(CONTINUED)

**NAMED INSURED:**

[REDACTED]

**POLICY CHANGE**

CHANGED EFFECTIVE: SEPT 3 2021  
 POLICY PERIOD FROM: JUNE 16 2021  
 TO: JUNE 16 2022

at 12:01 A.M. standard time at the address of the insured as stated herein.

**AGENT:**

MARSH & MCLENNAN AGENCY LLC

[REDACTED]

**AGENT TELEPHONE:**

[REDACTED]

[REDACTED]

2021 TESLA MODEL Y 4 DOOR  
 LOSS PAYEE IDAHO CENTRAL CREDIT UNION

Insurance is afforded only for the coverages for which limits of liability or premium charges are indicated.

COVERAGES	2021 TESL LIMITS	PREMIUMS
COMBINED SINGLE LIMIT: BODILY INJURY AND PROPERTY DAMAGE LIABILITY	\$500,000 Each Occurrence	\$ 348.40
UNINSURED MOTORISTS: COMBINED BI & PD LIABILITY	\$500,000 Each Accident	31.30
UNDERINSURED MOTORISTS: COMBINED BI & PD LIABILITY	\$500,000 Each Accident	29.10
COMPREHENSIVE	Actual Cash Value Less \$250 Deductible Full Safety Glass	349.80
COLLISION	Actual Cash Value Less \$500 Deductible Diminishing Ded \$400	650.20
ULTRA COVERAGE LEVEL		181.80
		<b>TOTAL \$ 1,590.60</b>
	<b>TOTAL EACH VEHICLE:</b>	2013 ACUR \$ 1,055.30 2010 TOYT 1,000.80 2021 TESL 1,590.60
<b>PREMIUM SUMMARY</b>		<b>PREMIUM</b>
VEHICLE COVERAGES		\$ 3,646.70
DISCOUNTS & SAFECO SAFETY REWARDS	<b>You saved \$2,287.00</b>	Included
<b>TOTAL 12 MONTH PREMIUM FOR ALL VEHICLES</b>		<b>\$ 3,646.70</b>

-CONTINUED-

# Exhibit C



POLICY NUMBER: [REDACTED]

**PERSONAL UMBRELLA POLICY DECLARATIONS**

**INSURED:**  
[REDACTED]

**AGENT:**  
MARSH & MCLENNAN AGENCY LLC  
[REDACTED]

**POLICY PERIOD FROM:** JUNE 16 2021  
**TO:** JUNE 16 2022  
**CHANGED AS OF:** SEPT 3 2021  
at 12:01 A.M. Standard time at  
the address of the insured as  
stated herein.

**RETAINED LIMIT:** \$250  
**LIMIT OF LIABILITY:** \$5,000,000

**SCHEDULE OF UNDERLYING INSURANCE:**

You, as defined in the policy contract, agree:

- 1) that insurance policies providing the coverages specified on the back of these declarations, if applicable, are in force and will be maintained in force as collectible insurance for at least the required minimum limits stated.
- 2) to insure all motor vehicles owned, leased by or used by you.
- 3) to insure all residence premises owned, leased by or leased to you.
- 4) to insure all recreational vehicles owned, leased by or used by you.
- 5) to insure all watercraft owned by you.

COVERAGES	PREMIUM
Basic premium - includes one automobile and primary residence	\$ 534.00
2 Additional automobiles in the household	\$ 360.00
2 Drivers under 25 years of age	\$ 534.00
1 Additional residence occupied by the insured	\$ 27.00
Excess Uninsured/Underinsured Motorists - \$1,000,000 Limit	\$ 249.00

**TOTAL ANNUAL PREMIUM \$1,704.00**

You may pay your premium in full or in installments. There is no installment fee for the following billing plans: Full Pay. Installment fees for all other billing plans are listed below. If more than one policy is billed on the installment bill, only the highest fee is charged. The fee is:  
\$2.00 per installment for recurring automatic deduction (EFT)  
\$5.00 per installment for recurring credit card or debit card  
\$5.00 per installment for all other payment methods

Policy underwritten by SAFECO INSURANCE COMPANY OF AMERICA  
(a stock insurance company).  
Administrative office: 175 Berkeley St., Boston, MA 02116  
Mailing Address: PO Box 704000, Salt Lake City, UT 84170-4000

**PLEASE SEE REVERSE**  
ORIGINAL

DATE PREPARED SEPT 28 2021

# Exhibit D





**INSURANCE ESTIMATE**

Reference Number: [REDACTED]  
 Insured Name: [REDACTED]  
 Effective Date: 02/10/2022  
 Producer Name: MARSH & MCLENNAN AGENCY LLC

Prepared On: 02/10/2022  
 Rating State: ID  
 Program:  
 PRL: N/A

**Total Annual Policy Premium including taxes and fees:** \$846.00

**Unit One:** 2020 HARLEY DAVIDSON FLHXS STREET GLIDE  
**Package Description:** Elite  
**Garaging County:** ADA  
**Rated Operator:** [REDACTED]

**Garaging Zip:** [REDACTED]  
**Rating Class:** STREET (E)

UNIT COVERAGES	LIMIT	DEDUCTIBLE	PREMIUM
BODILY INJURY PROTECTION	500,000/500,000		\$114.00
PASSENGER LIABILITY	500,000/500,000		
PROPERTY DAMAGE COVERAGE	250,000		\$25.00
UNINSURED MOTORIST BI	500,000/500,000		\$179.00
UNDERINSURED MOTORIST BI	500,000/500,000		\$112.00
MEDICAL PAYMENTS	5,000		\$136.00
OTHER THAN COLLISION		500	\$43.00
COLLISION		500	\$225.00
TOWING AND ROADSIDE COV	REASONABLE EXPENSE		\$12.00
OPTIONAL EQUIPMENT	5,000		
SAFETY EQUIP/REC DEVICE DISCT			
PAID IN FULL DISCOUNT			
LOCKED STORAGE DISCOUNT			
MC ENDORSEMENT DISCOUNT			

Unit Premium: \$846.00  
 Unit Taxes and Fees:  
**Unit One Total Premium:** \$846.00  
  
**Policy Premium:** \$846.00  
**Total Taxes and Fees:**  
**Total Policy Premium:** \$846.00

**Premium Summary**

IMPORTANT NOTE: This is an estimate of the cost for insurance coverage. You do NOT HAVE INSURANCE COVERAGE until we issue you a binder or Declarations page and policy. Other coverages may be available. This is not a contract. Your insurance contract is contained only in your policy. Various definitions, exclusions and conditions apply to all coverages.

# INSURANCE ESTIMATE

Reference Number: [REDACTED]  
Insured Name: [REDACTED]  
Effective Date: 02/10/2022  
Producer Name: MARSH & MCLENNAN AGENCY LLC

Prepared On: 02/10/2022  
Rating State: [REDACTED]  
Program:  
PRL: N/A

NO. OF PAYMENTS	1	3	6	12
Premium Due	\$846.00	\$338.40	\$211.50	\$73.69
Taxes/Fees				
Service Fee		\$6.00	\$6.00	\$2.00
Amt. Due Now	\$846.00	\$344.40	\$217.50	\$75.69
Amt. of Each Remaining Payment		\$259.80	\$132.90	\$72.21
Next Payment Due		04/01/2022	04/01/2022	03/07/2022

Attachment 4, Maureen Moran, S 1269

March 3, 2022

Hello, Mr. Charmain and Senate Committee:

My name is Maureen Moran, I live in Caldwell Idaho, and on behalf of myself - I support Senate Bill 1269. I apologize for not being able to be present, but my husband is currently working out of state and is the person that I rely on for transportation. My son Herbie (Herbert Moran) was killed July 22, 2018 by a drunk driver in Meridian, Idaho. This was devastating, you cannot imagine what happens, the trauma of losing your son, the stress that this brought on myself and my family was overwhelming. It impacts our family daily, even though two and a half years have passed.

We abide by the law, myself and my son had insurance. I had UIM policy. My son Herbie also had a UIM policy of his own and lived with my husband and me at the time of his death. However, I only received payment from the "at fault" drunk driver's insurance. The only reason I got the entirety of that policy is because my attorney waived his fee. What this meant was that we received a small sum for the death of my son from the insurance company for the drunk driver and nothing from our own auto insurance company for his loss nor from my son's policy because these coverages offset with the underlying recovery and paid out nothing. We had paid premiums for these coverages for years, yet the one time we needed them, they denied payment even though we lost our son in a car accident that was not his fault.

My husband works out state and lost wages for about a month. Not only funeral expenses, but lost wages and other bills occurred due to our tragic loss. I thought that I had UIM insurance that would help. Unless something like this happens to you or someone you know, you are under the impression you have UIM insurance that will help to cover expenses. We had hoped to donate money to M.A.D.D. or institute a scholarship fund for Herbie's high school, but once our insurance and his denied payment, we were unable to share the memory of our son in this fashion.

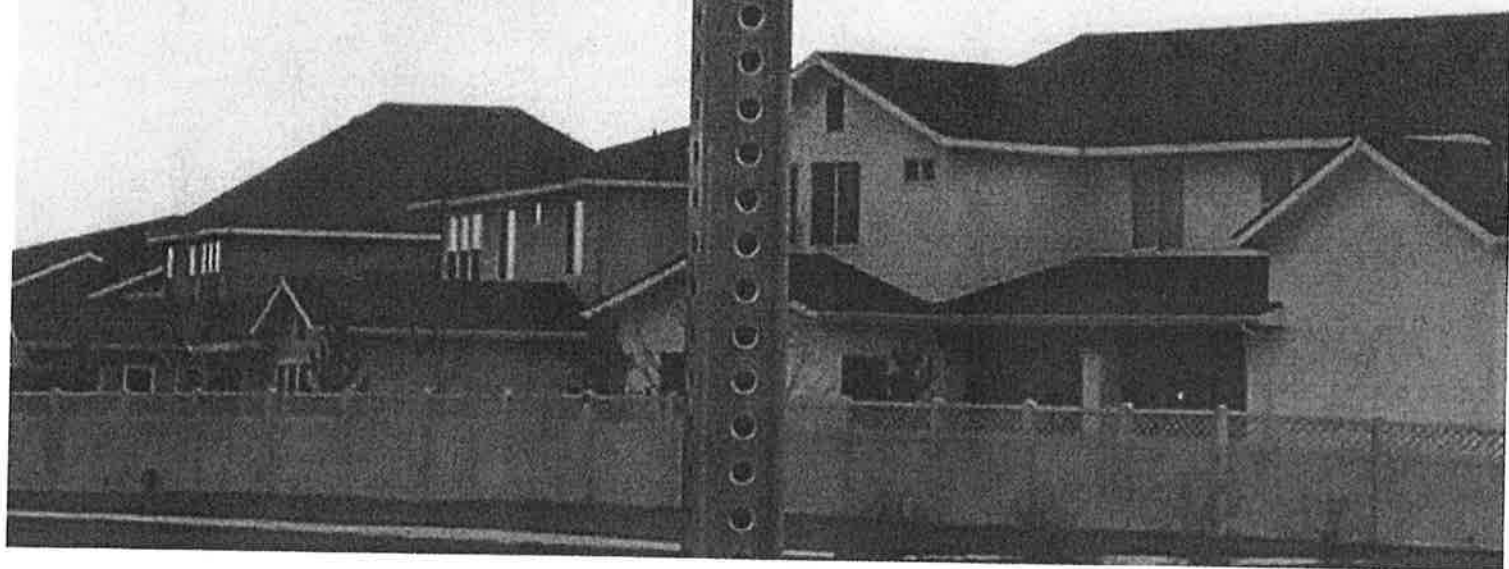
A parent is never really prepared to bury a child, it is a tragedy that I cannot explain in words. With the recovery being limited to the at fault driver's insurance policy and no help from my or my son's insurance policies, I did not even have enough money to pay for the burial and headstone for my son. I urge you to consider this bill, so that it may help other families that face similar situation to mine in the future. It is my hope that this committee fully addresses this issue of offsetting UIM coverage, regardless of the policy limit, by supporting Senate Bill 1269. Thank you for your time and consideration.

Warmest Regards,

*Maureen Moran*

Maureen Moran  
711 Monticello Court  
Caldwell, ID 83605  
(208) 695-4569

PLEASE  
DRIVE SAFELY  
IN MEMORY OF  
Herbie  
Moran



Attachment 5, DeLon Lee and Erin Jones, S 1269

March 3, 2022

**Senate Commerce & Human Resources Committee**

**Thursday, March 03, 2022 - 1:30 P.M.**

**TESTIMONY ON: S 1269**

**Written Testimony Only (not testifying before committee)**

<b>Name (First &amp; Last)</b>	<b>Manner Testifying</b>	<b>Representing Company/Organization</b>	<b>City</b>	<b>For / Against</b>	<b>Testified Y/N</b>	<b>District #</b>
DeLon Lee	W	Self	Twin Falls	For	N	24

My name is DeLon Lee. I am a staunch conservative from Twin Falls. I used to be a lobbyist for the Idaho Farm Bureau Federation. I believe in getting value for what you paid for, and, right now, Idahoans are paying for Under Insured Motorist coverage on not getting any benefit for it. The law as it is written today, helps huge insurance companies save money at the expense of Idahoans who have been injured in car accidents at no fault of their own. It's important to note that ONLY people who were victims (NOT AT FAULT) in an accident get to use this coverage. Idaho law prevents them from getting any benefit from a coverage they have been paying for for years. This bill is a the first step in the right direction to protecting IDahoans, rather than insurance companies. Who is more important to you, people, or insurance companies? That is what this bill comes down to. Thank you for your consideration.

Erin Jones	W	self	Boise	For	N	16
------------	---	------	-------	-----	---	----

I was involved in a crash on 8/16/21, and the other driver was at fault. I sustained life-altering injuries including permanent impairment and requiring multiple surgeries. I purchased \$100,000 of Underinsured Motorist coverage through my insurance company Foremost (Farmers). Because the other driver had minimum policy limits, I only recovered \$75,000 instead of \$100,000 which I paid for. Because there is not enough car insurance for all injuries and treatment, I had to file for emergency Medicaid to pay the hospital for my stay and all my surgeries. So, the tax payers of Idaho paid for my medical treatment instead of my insurance company because of the way the laws are in Idaho right now. A private insurance company was spared having to pay another \$25,000, even though that's what I paid for, and the government and citizens of Idaho had to pick up the tab. I am therefore speaking FOR the passage of the amendment to make UIM coverage be a real coverage for those whose injuries warrant it.

# Insurers Struggling to Keep Pace with the Highest Inflation in 40 Years

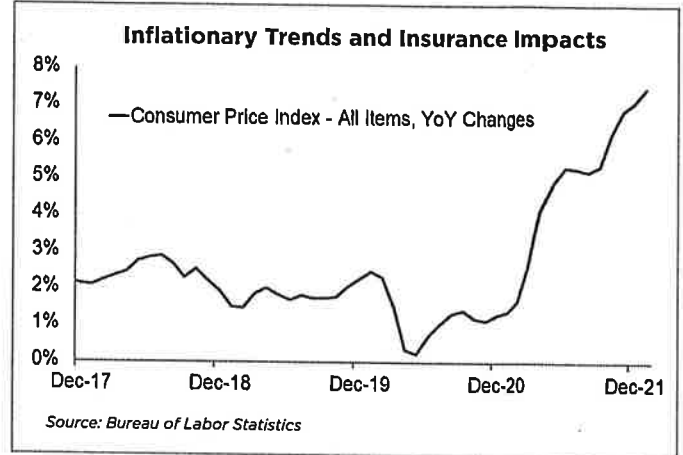
Attachment 6, Michael Kane, S 1269 March 3, 2022

Rapid increases in inflation over the last year have spiked auto and homeowners insurance losses and combined ratios. Insurance claims inflation has been rising even faster than the underlying consumer price index, far outpacing increases in premiums.

APCIA has released two reports summarizing recent insurance inflation trends that insurers are struggling to keep up with. Some of the top inflation trends and financial impacts pressuring the industry are summarized below.

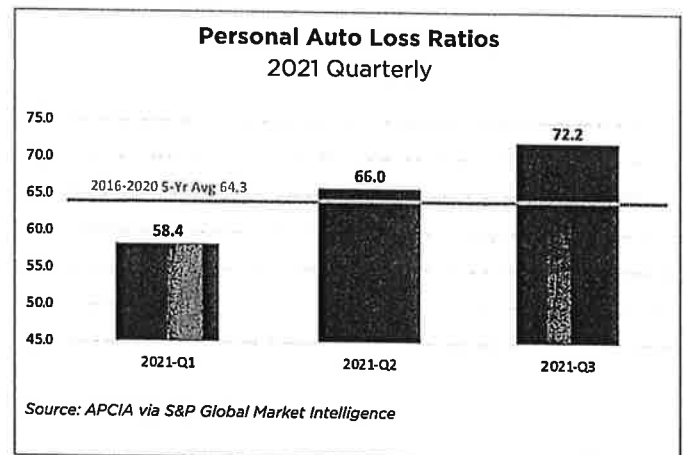
In January of this year, the consumer price index jumped 7.5%<sup>1</sup> from a year earlier, the fastest 12-month pace since the early 1980s. Insurance claims inflation has risen even faster, causing significant underwriting losses:

- Private U.S. property/casualty insurers faced an \$11.3 billion net underwriting loss in third quarter 2021<sup>2</sup>.
- Insurance incurred losses and loss adjustment expenses increased by 17.8% in the third quarter of last year compared to the third quarter 2020<sup>3</sup>.
- Private passenger auto liability and homeowners multi-peril direct losses each spiked 13.9% in the third quarter of 2021 over the previous year, with homeowners insurance direct losses increasing 40.3% over the last two years.<sup>4</sup>
- Insurers' direct written premium for auto and homeowners only increased 3.1% and 8.4% respectively, far below the rate of escalating losses.
- As a result, insurers' combined ratio skyrocketed to 104.5 in the third quarter of 2021, and net income after taxes plunged by 57% compared to third quarter 2020<sup>5</sup>.
- Insurers' average return on net worth over the past 10 years has been less than 43% of the all-industry average<sup>6</sup>, with the gap significantly widening over the long term.



## AUTO INSURANCE

- Miles driven in four of the last five months are within 1% of 2019 pre-COVID levels<sup>7</sup> and auto claim frequency, after a temporary dip during COVID, is on the rise.
- Private passenger automobile bodily injury severity (average paid loss per claim) has increased 20% since 2019.<sup>8</sup>
- Private passenger automobile loss ratios spiked from 55.6% year-end 2020 to 72.2% in the first three quarters of 2021, reaching the highest level compared to year-end loss ratios since 2010.



<sup>1</sup> <https://www.bls.gov/news.release/ppi.nr0.htm>.

<sup>2</sup> Property Casualty Financial Operating Results at 3Q 2021. APCIA and ISO, most recent available data.

<sup>3</sup> Ibid.

<sup>4</sup> AM Best, Financial Review January 25, 2022 US Property/Casualty Premiums Up, Loss Ratio Deteriorates Through Q3 2021

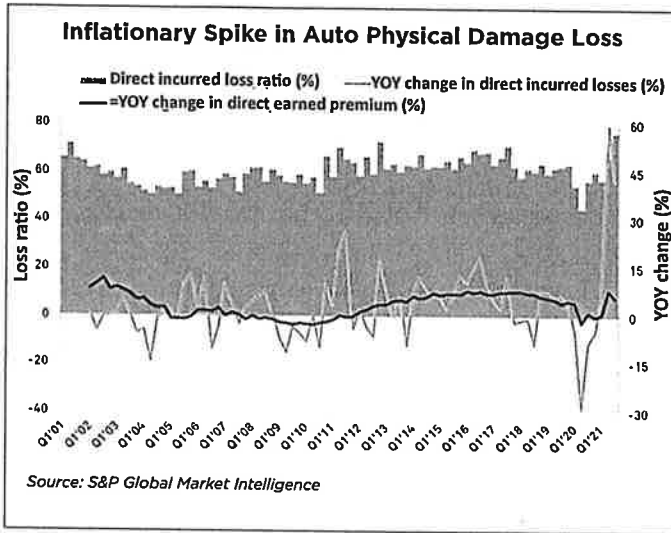
<sup>5</sup> Ibid.

<sup>6</sup> NAIC Report on Profitability by Line by State in 2020. 2021 edition; reflects the average of annual returns from 2011-2020 for the p-c industry and for the Fortune Magazine all-industry average.

<sup>7</sup> US Dept. of Transportation, Oct 2019 283 billion, Oct 2021 283 billion.

<sup>8</sup> APCIA using Fast Track Monitoring System, measures YE 2019 through the last 12 months ending September 2021, most current.

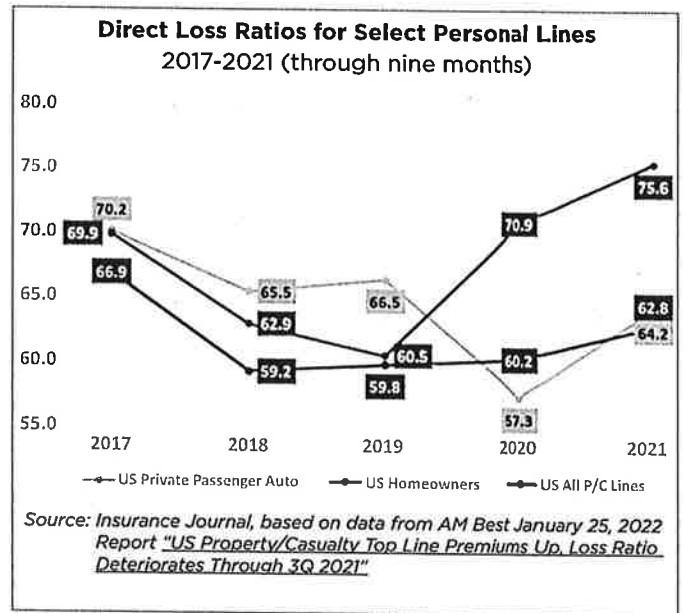
**AUTO INSURANCE continued**



- Auto insurance has been particularly impacted by increases in prices for new vehicles, which spiked 11.8% last year, the largest rise since 1975. Prices for used vehicles rose a record 37.3%, while Thanksgiving weekend rental car prices were up 75% from the same period in 2019.
- The 60% increase in auto physical damage losses in 2021 far exceeded the 30% drop in 2020.

**HOMEOWNERS INSURANCE**

- 2021 was the seventh year in a row the U.S. suffered at least 10 catastrophes causing over a billion dollars in insured losses.<sup>9</sup>
- Natural disaster losses from 2020-2021 in the U.S. were over \$176 billion, the highest ever two-year total.<sup>10</sup>
- Globally, 2021 was the fourth most extreme catastrophic loss year<sup>11</sup>, led by Hurricane Ida that was the 4th costliest global insured loss event since 1900<sup>12</sup>.
- U.S. incurred natural disaster losses in 2021 were more than double the 20-year average.<sup>13</sup>
- U.S. home and commercial property lines are each expected to exceed 109% combined ratio in 2021.<sup>14</sup>
- Record catastrophe losses from 2020-2021 occurred amid a boom in home construction, intensifying demand for construction materials and labor. From December 2019 through December 2021 the price of construction materials rose by 44.1%<sup>15</sup>, with some lumber prices in mid-2021 up 400%.



9 NOAA

10 Aon 2021 Weather, Climate and Catastrophe Insight

11 <https://www.reinsurancencene.ws/global-insured-losses-topped-100bn-again-in-2021-aon/>

12 Aon 2021 Weather, Climate and Catastrophe Insight

13 Aon 2021 Weather, Climate and Catastrophe Insight

14 Underwriting Projection: A Forward View (Nov 2021), Triple I and Milliman

15 U.S. Bureau of Labor Statistics from Federal Reserve Bank of St. Louis (FRED): <https://fred.stlouisfed.org/series/WPUSI012011>.



NW Insurance Council



NAMIC  
NATIONAL ASSOCIATION OF  
MUTUAL INSURANCE COMPANIES



American Property Casualty  
Insurance Association  
INSURING AMERICA apci.org

***Correspondence Sent via Email***

March 2, 2022

The Hon. Sen. Jim Patrick, Chair  
The Hon. Sen. Mary Souza, Vice Chair  
Members, Senate Commerce & Human Resources Committee  
PO Box 83720  
Boise, Idaho 83720-0081

**RE: Underinsured Motorist Legislation – Please OPPOSE SB 1269 and SUPPORT SB 1281**

Dear Chairman Patrick, Vice-Chair Souza and Committee Members,

On behalf of the member insurance companies of the Northwest Insurance Council, the American Property Casualty Insurance Association and the National Association of Mutual Insurance Companies (hereafter, “the trades,”) who underwrite the vast majority of auto policies in force for Idaho drivers today, we write to express our opposition to proposed SB 1269. We urge the committee to reject this legislation and instead approve a compromise measure supported by the trades and our members, SB 1281.

Committee members may be aware of a recent and important ruling made by the Idaho Supreme Court, in Pena v. Viking Insurance. A key finding of the Court, which reversed a lower court ruling in favor of the insurance company, was that the Underinsured Motorist (UIM) Coverage purchased by the plaintiff was “illusory,” because the coverage provided was “offset” by payments made to the plaintiff by the at-fault party’s liability policy.

Both SB 1269 and SB 1281 are efforts to update Idaho statutes to reflect the Court’s decision. However, while SB 1281 is intended to specifically protect Idaho drivers from what the Court called “illusory coverage,” SB 1269 is a bill that expands the theory embodied in the Supreme Court’s decision, by requiring all UIM policies to provide “excess-only” coverage, which eliminates the ability of insurers to offer consumers the more affordable option of “offset coverage.” We believe this violates free market principles while needlessly raising insurance costs for Idaho consumers.

Here is some background on UIM policy coverage that we hope committee members will consider as you debate the legislation now before you.

There are two UIM policy products currently available in the Idaho insurance market today:

- **“Offset” coverage:** The maximum compensation for the UIM policyholder is the difference (offset) between the victim’s UIM-BI (bodily injury) limit and the at-fault driver’s liability limit. For example, if the injured party’s UIM-BI limit is \$100,000 and the at-fault driver’s liability limit is \$25,000, the victim could collect the difference between \$25,000 from the at-fault driver and injured party’s UIM limit of \$100,000 (i.e., up to \$75,000 in excess of the at-fault driver’s \$25,000 limit).
- **“Excess” coverage:** the maximum compensation is equal to the injured party’s UIM-BI coverage limit plus the amount of liability coverage from the at-fault driver. Using the same example as above, the injured party could collect \$25,000 from the at-fault driver, plus an additional



\$100,000 from the injured driver's own UIM-BI coverage (i.e., \$100,000 + \$25,000), for a total of \$125,000.

Insurers have long argued two key points about UIM coverage in Idaho. First, that in and of itself, "offset" coverage is NOT illusory. We believe this for two reasons:

1. "Offset" coverage is priced more affordably because the coverage it provides may be less robust than "excess" coverage, depending on the limits of the at-fault party's liability coverage. It would only be "illusory" if the cost were the same for less coverage - but that is not how the product is offered, or priced.
2. Under ID 41-2502 and regulations approved by the Legislature and the Idaho Department of Insurance (IDAPA 18.02.02.015), insurers are required to offer UIM coverage to all insureds purchasing auto liability insurance, and to provide an explanatory statement to consumers at the point of purchase so they understand and acknowledge - by accepting or rejecting the coverage - the differences between "offset" and "excess" coverage policies.

It is also important to note that in the Idaho insurance market, some insurers offer UIM as "excess;" some offer it as "offset;" and some may offer both options to policyholders. Idaho's insurance consumers benefit from a highly competitive market that helps drivers find affordable, accessible coverage that meets their individual needs.

**Impact of SB 1269:** This bill would expand the Idaho Supreme Court's ruling, by requiring all UIM policies in Idaho provide "excess" coverage. In essence, the bill requires insurers writing UIM to allow insureds to "stack" the coverage limits on top of their claims against the at-fault party's liability insurance. This is a public policy decision that rests in the hands of the Idaho Legislature. But before voting, members should know:

- ✓ A similar bill has been proposed in Maryland. An independent insurance agency in that state researched "real time" insurance quotes for different policyholders and found that a 51-year-old single female could see an annual increase in her *UIM premium alone* of \$154 per year, while a household with four drivers (two in their 50's and two in their 20's) could see an increase in UIM premium of \$329 per year.
- ✓ A recent study provided to APCIA by the respected Milliman Research firm on proposed Virginia legislation mandating "excess" UIM coverage in that state predicted - based on actuarial data - that both claims frequency and claims severity would increase in Virginia if the legislation were enacted, resulting in UIM premium increases ranging between 43 percent on the low end to 64 percent on the high end.
- ✓ Similarly, another study showed that states with "excess-only" UIM policies had higher UIM claims costs - 68% higher, on average - than states that allowed UIM to be offered as "offset."
- ✓ Leading insurers that underwrite UIM coverage in Idaho believe the increase in claims frequency and severity will lead to higher UIM costs here as well, which are ultimately reflected in UIM premiums. Insurers have reported they anticipate UIM premiums - particularly those purchased at minimum limits (\$25,000/\$50,000) - to double under an "excess-only" statute. Under that scenario, an "offset" policy that is offered today for \$25,000 would become an "excess" policy for \$50,000 (per policy). That might result in fewer drivers "opting-in" for UIM coverage.
- ✓ For motorcycle UIM coverage, the costs could go even higher, with premiums rising three or four times what insured riders pay today, insurers believe, based on anticipated increases in claims costs.

**Impact of SB 1281:** By contrast, this bill attempts to align Idaho statutes more closely with the Court's finding of illusory coverage at the minimum limits (\$25,000/\$50,000) level of UIM coverage, while still providing insurers and consumers with freedom of choice in the marketplace.

- ✓ For UIM policies with limits less than two times the state's mandatory minimum liability limits for bodily injury/death (currently \$25,000/\$50,000), UIM coverage would be provided as "excess" by the insurer, allowing claims for UIM to be paid in addition to any claims paid under the at-fault party's liability insurance coverage.
- ✓ For UIM policies with higher limits, the coverage could continue to be offered either as "excess" or "offset" coverage.
- ✓ The statute would continue to require insurers to offer UIM coverage to all insureds, provide notice/explanatory statement and acknowledgement from the insured at the point of purchase.
- ✓ While insurers writing in Idaho would still experience an increase in claims costs, it would be less dramatic than legislation requiring "excess-only" coverage for all UIM policies. Premiums could still be impacted for minimum limits under UIM policies but would likely not be as dramatic for consumers.
- ✓ The bill would allow consumers additional choice in the insurance marketplace and result in less disruption in the market.

The insurance industry is aware of a long history of debate in the Idaho Legislature over the issue of adequate UIM coverage for Idaho drivers. We believe SB 1281 is a reasonable compromise on the issue that protects Idaho consumers and preserves longstanding underwriting and rating freedoms cherished in the Idaho marketplace. We urge you to reject the overreach of SB 1269 and approve the compromise embodied in SB 1281.

Thank you for your consideration on this important issue. Please contact us if we can provide any additional information.

Sincerely,

**Lyn Darrington Elliott**  
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[Lyn.Elliott@apci.org](mailto:Lyn.Elliott@apci.org)

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March 3, 2022

## MEMORANDUM

**TO:** Senate Commerce Committee via Email & Hand Delivery

**FROM:** Stephen Thomas, Lobbyist for Farm Bureau Mutual Insurance Co. of Idaho

**DATE:** March 2, 2022

**RE:** Insurance: Uninsured Motorist Coverage Bills Hearing 3/3/22  
UIM BILLS S1281 vs. S1269

**Bill links:**

<https://legislature.idaho.gov/sessioninfo/2022/legislation/S1281/>

<https://legislature.idaho.gov/sessioninfo/2022/legislation/S1269/>

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Farm Bureau opposes S1269 but supports S1281 (Guthrie/United Heritage), because the latter bill preserves driver choice. Unlike S 1269 which mandates one type of coverage only –“excess”—which is a richer benefit and therefore a more expensive choice. Higher costs could induce rejection of UIM coverage, thereby worsening the perceived problem.

### **HISTORY –**

Between 1988 and 1998, the Legislature passed the Proof of Financial Responsibility law (now I.C. 49-117(20)) setting minimum liability insurance coverage in order to drive: \$25,000 for 1 claimant /\$50,000 for 2 or more claimants, per accident. Those limits have never been changed despite considerable background inflation and heightened medical ‘trend’ inflation. In 2022, \$25,000 is not much purchasing power to pay medical bills.

2008 Legislature passed H429 (now I.C. 41-2503) defining UM and UIM, and requiring insurance agents to offer both, but NOT MANDATING either coverage be bought. Director to prepare form explaining the coverage, to be rejected IN WRITING.

2019 Department of Insurance promulgates more explicit form under Section 2503, explaining “Difference in limits” aka “offset” v. “excess” UIM coverage type. See pages 6-7 of <https://adminrules.idaho.gov/rules/2019%20Archive%20C1/18/180120.pdf> See, also DOI’s web page with explanation: <https://doi.idaho.gov/consumers/auto-insurance/required-auto-coverage/> Form is explicit and detailed, with concrete examples.

IDAHO SUPREME COURT – *Pena v Viking Insurance* (2/1/22) ISC Docket 48379  
<https://isc.idaho.gov/opinions/48379x.pdf> (finding that Viking’s minimum limits UIM

coverage was illusory, but expressly limiting that decision, and affirming at page 13 that offset coverage was legal.<sup>1)</sup>

## **PUBLIC POLICY**

**Farm Bureau sells Offset UIM only and has for years, but NOT at minimum 25/50 limits. Farm Bureau respectfully submits that Idaho's public policy should:**

**-Continue the driving public's right to choose UIM coverage & type of coverage**

**-Not prohibit "offset" type coverage, as does S1269 (mandates Excess only)**

**-Solve the Viking Ins. case's core issue via S1281: ultra-low UIM limits are treated as Excess, otherwise allowing the market to work, including Offset type, which the Supreme Court just held not illusory, when above minimum levels.**

## **CONCLUSION:**

**No reason has been shown to mandate 1 choice only, the more expensive choice**

**Mandating the expensive choice may DEFEAT the goal of more insurance to respond to a Loss, because the decision to buy or reject UIM coverage remains with insured, and Idahoans are frugal...they also dislike being mandated by Government**

**Most of Idaho insurance industry offers Offset type UIM coverage, so the mandate approach of S1269 forces considerable changes on carriers and their agents**

**2019 UIM explanation sign off form by DOI should be given a chance to work**

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1

“Our opinion today in no way invalidates an insurer’s ability to offer and enforce its offset coverage provisions. The insurer may do so in all cases—excepting those where the chance of receiving benefits would be illusory. Viking’s standard UIM policy, including its limitations and exclusions is fully enforceable when the limit exceeds \$25,000. That said, because the Legislature requires insurers to issue liability limits of \$25,000, UIM coverage limits must exceed \$25,000 to avoid a finding that they are illusory.”

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, March 08, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1269</u></a>	INSURANCE - Amends existing law to provide certain limitations on coverage. Continued from the Meeting of March 3, 2022. If you signed up to testify on March 3, 2022, you will have to re-register. No new testimony will be taken.	Senator Riggs
<a href="#"><u>S 1281</u></a>	INSURANCE - Amends existing law to provide for a certain presumption regarding underinsured motor vehicle coverage. If you signed up to testify March 3, 2022, you will have to re-register. No new testimony will be taken.	Senator Guthrie
<a href="#"><u>S 1368</u></a>	OCCUPATIONAL LICENSING - Amends existing law to remove outdated references to moral character.	Kate Haas, Opportunity Solutions Project

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
[Register to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, March 08, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**S 1269** **Chairman Patrick** announced no new testimony would be taken on **S 1269**. If anyone signed up to testify on March 3, 2022, only that testimony would be heard.

**TESTIMONY:** **Nick Sasso**, representing himself and his wife, Rene Gwin, testified remotely in support of the bill. He summarized their experience of being hit by a drunk driver. They had accumulated over \$1 million in medical bills and because of the mounting medical expenses and the offset clause in their insurance policy, they may have to file for bankruptcy. He stated Idahoans who purchased insurance intending to protect themselves and others should receive the benefit of the cost of the policy.

**DISCUSSION:** **Vice Chair Souza** queried if there was a thorough, clear, understandable explanation of the policy at the time of purchase. **Mr. Sasso** stated the policy was purchased online but they did not truly understand the concept of offset.

**TESTIMONY:** **Steven Thomas**, Farm Bureau Mutual of Idaho, testified in opposition to the bill. He identified two overarching concepts of economics and judicial economics contained in the bill. He stated elasticity of demand mattered. He noted this bill would make less insurance available. He referred to the recent Idaho Supreme Court decision of Pena versus Viking Insurance where it was found that Viking's minimum limits for Uninsured Motorists (UIM) coverage was illusory, but expressly limited that decision, and affirmed that offset coverage was legal. He stated the Idaho Supreme Court said Viking's standard UIM policy, including its limitations and exclusions, was fully enforceable when the limit exceeded \$25,000. Because the Legislature required insurers to issue liability limits of \$25,000, UIM coverage limits must exceed \$25,000 to avoid a finding they were illusory. He said that UIM had to be offered but need not be purchased as it was a choice of the customer. This excess coverage was the richer benefit which costs more.

**DISCUSSION:** **Chairman Patrick** and **Mr. Thomas** discussed the options for insurance based upon this bill.

**Senator Lakey** discussed with Mr. Thomas the issue of whether something illusory had now been addressed and would there be any more minimum policy for \$25,000 based on minimum coverage policies offered from this time forward. **Senator Lakey** inquired if most insurance companies offered a choice of either excess or offset. **Mr. Thomas** replied in the affirmative. They discussed the Idaho Supreme Court decision and the possible need to define illusory, as it was like an illusion that was not really there.

**Vice Chair Souza** and **Mr. Thomas** discussed the Idaho Supreme Court case and the conflict that appeared in the decision about illusory insurance versus offset insurance.

**Senator Ward-Engelking** asked about the requirement for an insurance company to supply a disclosure form for a renewed policy. **Mr. Thomas** indicated he did not know for a fact that renewals were governed by that notice.

**TESTIMONY:** **Dean Cameron**, Director, Idaho Department of Insurance (IDOI), clarified the disclosure form was used at the time of sale, but no signature was required. Many companies used the form at renewal. If a client chose not to purchase UIM coverage, there was a place on the form for a signature waiving the coverage.

**DISCUSSION:** **Senator Martin** and **Mr. Cameron** discussed the confusion about the Idaho Supreme Court ruling in the Pena case. They also discussed the idea there were multiple options on how the IDOI could pursue requiring that UIM coverage be included in the minimum limits without any additional charges. There was no responsibility for the insurance company to send the form in a renewal package, but it could be one additional step that could be taken. They discussed additional benefits to the consumer with an increase in costs. **Mr. Cameron** noted one of the concerns was that increased cost would discourage people from buying this optional coverage in order to keep prices down.

A discussion ensued among **Senator Riggs**, **Vice Chair Souza**, and **Mr. Cameron** about UIM coverage, did customers understand what they were paying for with an explanation of the offset and illusory coverage, the differences between offset and illusory, and if the minimum coverage could be included in a policy at no additional cost. They discussed whether there should be an option built into the base that UIM coverage would not be available except at a higher level. This could be accomplished in rule or a separate bill or both. **Mr. Cameron** noted many insurance products had an offset parameter.

**Senator Burgoyne** commented there was a remaining issue and asked **Director Cameron** to explain what he thought about the Idaho Supreme Court having to consider some other related case. **Mr. Cameron** noted the Idaho Supreme Court called offset coverage illusory at minimum limits. The court did allow for and indicated the law allowed for offset coverage. If offset coverage was allowed there would always be some potential issue where the customer was not receiving what they thought they were going to get. He noted this was a common issue with many insurance products and many insurance products had an offset program parameter. This was a common approach in order to hold costs down.

**TESTIMONY:** **Michael Kane**, American Casualty Insurance, testified in opposition and stated costs across-the-board for insurance were increasing. He cited statistics from a similar bill passed in Maryland and for a family of four the costs increased \$329 a year. **Mr. Kane** referred to Attachments 6 and 6A from the Meeting of March 3, 2022. He stated there was a potential for doubling the costs of insurance and for motorcycles it could be as high as three or four times the original amount.

**DISCUSSION:** **Senator Lakey** and **Mr. Kane** discussed insurance contracts, how UIM had to be offered as mandated by law, but the customer could refuse by signing the form.

**TESTIMONY:** **Brody Aston**, Enterprise Holdings, Enterprise Car Rental, National and other car rental companies, testified in opposition to the bills. He said **S 1269** and **S 1281** raised costs. He noted customers should not be mandated to purchase something and this legislation was not needed. He asked to have both bills held in Committee.

**DISCUSSION:** A discussion ensued between **Senator Burgoyne** and **Mr. Aston** relating to liability insurance on vehicles where the car rental employee was driving cars around from location to location. They discussed additional expenses for the consumer and the company.

**Chairman Patrick** announced no new testimony would be taken on **S 1281**. If anyone signed up to testify on March 3, 2022, only that testimony would be heard.

**S 1281**

**INSURANCE - Amends existing law to provide for a certain presumption regarding underinsured motor vehicle coverage.** **Senator Guthrie** introduced **Jeff Neumeyer**, General Counsel, United Heritage Financial Group, indicated this proposed legislation would modify and bring more clarity to coverage limits available to consumers with respect to underinsured motor vehicle coverage. The proposed legislation provided that any underinsured motor vehicle coverage with limits of liability less than two times the Idaho minimum limits for bodily injury or death would be construed to provide coverage in excess of the liability coverage of any underinsured motor vehicle involved in an accident.

**Mr. Neumeyer** cited the *Pena versus Viking Insurance* Idaho Supreme Court decision that said that at the minimum of \$25,000 limits, the UIM was illusory and not allowed. The intent was excess coverage could be at the minimum limits and that was not illusory. **Mr. Neumeyer** said as outlined in this bill, coverage was only illusory if it was offset coverage at the minimum limits. He cited a Missouri law that worked very successfully. This bill addressed offset coverage above \$25,000, which was acceptable. Minimum limits were \$25,000 per person and \$50,000 per accident. In this bill any policy less than two times the minimum limits of \$25,000 per person, \$50,000 per accident must be excess coverage. **Mr. Neumeyer** reported the Idaho Supreme Court said that offset underinsured motorist coverage above \$25,000 was acceptable. Some carriers had their lowest coverage limits above \$25,000 per person and \$50,000 per accident. He referred to Exhibit A of his handout attached to the Minutes of March 3, 2022 as Attachment 3. He reiterated if there was no change on a renewal, no form was required. He pointed out United Heritage sent the form to all of their clients for the first six months of renewals, even though there was no requirement to do so. **Mr. Neumeyer** stated the largest difference between the two bills was price. He said with **S 1269** the price would increase significantly. People had to make a decision from a pricing perspective. With **S 1281**, the increase in price was much more modest.



**DISCUSSION:** **Senator Riggs** and **Mr. Neumeyer** discussed the basis for price increases in the two bills. **Mr. Neumeyer** stated rates had to be approved by the IDOI. He noted with every carrier there would be a different claims experience. They discussed the increase in premium would not be on the whole policy.

A discussion ensued between **Senator Burgoyne** and **Mr. Neumeyer** about the mandated requirements in **S 1269** as opposed to **S 1281** and the potential costs associated with both bills. They discussed where most of the UIM policies existed within the \$25,000 to \$50,000 range in terms of limits and if an insurance company was a non-standard carrier providing non-standard policies, that made the policy illusory, as in the Pena versus Viking Insurance case.

**Senator Lakey** and **Mr. Neumeyer** discussed the freedom of the insurer to decide whether to purchase excess UIM coverage or a more affordable policy. They discussed if a policy was provided with a \$45,000 limit that would be excess, but if it was \$55,000 then it was offset.

**Vice Chair Souza** queried what the overall percentage of increase was between **S 1269** and **S 1281**. **Mr. Neumeyer** indicated the increase could be excess or offset depending on what the insurance company was selling. He noted the Pena decision was going to force an increase in minimum limits up to a 100 percent increase for the underinsured motorist portion.

In response to a question from **Senator Burgoyne** about cost shifting that occurred when a driver was involved in a collision and the driver or the tortfeasor was unable to pay all of the financial consequences, **Mr. Neumeyer** responded that as long as people were being clearly told what they were purchasing and they understood what offset was, and that sometimes there was not enough insurance coverage to cover the worst of accidents.

**TESTIMONY:** **Russell Johnson**, an attorney representing himself, testified in opposition to **S 1281**, and stated with offset coverage it was always going to be dependent on what someone else's coverage was and this was a weakness. Many of his clients had no understanding of UIM coverage or how the offset coverage applied.

**Thomas Lyons**, Farm Bureau Insurance Vice President, Claims and Legal Affairs, testified in support of **S 1281**. He explained clients received what they paid for and offset coverage was offered by his company because it was more affordable. There should not be a mandate about coverage.

**Representative Ruchti**, representing himself, testified in opposition to the bill. He noted coverage was about an increase of \$1 to \$1.50 per month between the two bills, which was not an extraordinary amount. He explained the Pena decision increased costs because it said these policies were illusory as clients received nothing real for the money. He referred to the bulletin issued by the IDOI in 2019, which made it very clear and explained the difference between offset versus excess coverage. He referred to Attachment 2 from the Meeting of March 3, 2022.

**Michael Kane**, American Casualty Insurance, testified in support of **S 1281**. He offered an explanation and clarification of the situation of an UIM payment when a person had a \$100,000 policy. An individual would lose \$25,000 and \$25,000 would come from the tortfeasor with the remaining \$75,000 from the insurance company.

**Chairman Patrick** announced the next two testimonies, summaries, voting on the two bills, and the hearing for **S 1368** would be held until the next meeting.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:59 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, March 10, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of March 1, 2022	Senator Ward-Engelking
<a href="#"><u>S 1269</u></a>	Motion and Vote: INSURANCE - Amends existing law to provide certain limitations on coverage. No new testimony will be heard. Closing remarks limited to 5 minutes.	Senator Riggs
<a href="#"><u>S 1281</u></a>	Motion and Vote: INSURANCE - Amends existing law to provide for a certain presumption regarding underinsured motor vehicle coverage. No new testimony will be heard. Closing remarks limited to 5 minutes.	Senator Guthrie
<a href="#"><u>S 1368</u></a>	OCCUPATIONAL LICENSING - Amends existing law to remove outdated references to moral character.	Kate Haas, Opportunity Solutions Project
<a href="#"><u>H 588</u></a>	WILDLAND FIREFIGHTERS - Amends existing law to provide for wildland firefighter differential pay.	Senator Woodward
<a href="#"><u>H 590</u></a>	WORKERS' COMPENSATION - Repeals and adds to existing law to provide for settlement agreements.	Rep. Skaug
<a href="#"><u>H 611</u></a>	INSURANCE - Amends existing law to provide for conditions for reinsurance.	Dean Cameron, Director, Idaho Department of Insurance

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
[Register to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
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MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, March 10, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:35 p.m.

**MINUTES APPROVAL:** **Senator Ward-Engelking** moved to approve the Minutes of March 1, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**S 1269** **Motion and Vote: INSURANCE - Amends existing law to provide certain limitations on coverage. No new testimony will be heard. Closing remarks limited to 5 minutes.**

**TESTIMONY:** **Bron Rammell**, Attorney, testified in opposition to this bill. He noted his dad was struck by someone who crossed the double line and the driver was killed. His parents were unaware about how the insurance worked.

**Dan Jenkins**, of Meridian, representing himself and an injury attorney, testified in support of **S 1269**. He noted he had submitted written testimony at the meeting of March 3, 2022, Attachment 4. on behalf of his client, Ms. Moran whose son was killed by a drunk driver. There were not enough funds to pay for the funeral.

Written testimony was received in support of the bill from Stephen Blackburn.

**DISCUSSION:** **Representative Ruchti** remarked offset policies did not provide the consumer with an explanation of what they were purchasing. He remarked depending on the Uninsured Motorists (UIM) clause in a policy, not enough money was left over after the case was settled. No one received what was owed and everyone took a hit except for the company who sold the UIM policy. Consumer costs would not increase more than \$1 to \$1.50 over six months. He referred to the example from Progressive Insurance and Geico from the Meeting of March 3, Attachment 2. He stated agents did not really understand offset. Offset policies were meaningless, in his opinion.

**Senator Riggs** stated people needed help and were not receiving it. Auto insurance should be made more understandable.

**S 1281** **Motion and Vote: INSURANCE - Amends existing law to provide for a certain presumption regarding underinsured motor vehicle coverage. No new testimony will be heard. Closing remarks limited to 5 minutes.**

**DISCUSSION:** **Senator Guthrie** yielded his time to **Jeff Neumeyer**, Attorney, United Heritage Financial Group, who stated auto insurance companies were taking money from policyholder's pockets. Increases in premium costs were significant across the country. He noted **S 1269** was a pile-on for costs. Some of the previous arguments were comparing apples to oranges. He cited the quotes he received for his family. He stated when this type of law was implemented in Oregon, the cost increases were significant.

**Dean Cameron**, Director, Idaho Department of Insurance (IDOI) remarked offset was a common approach to control costs for consumers. The Idaho Supreme Court Pena case did not say offset coverage was illusory. He quoted from the Idaho Supreme Court conclusion where the UIM coverage provided in the Viking UIM policy should have been available to cover Pena's claim. The Idaho Supreme Court reversed the district court's decision and awarded the judgment in Pena's behalf. **Mr. Cameron** noted the IDOI had room for improvement.

**DISCUSSION:** **Vice Chair Souza** asked Mr. Neumeyer what the increase on UIM coverage would be in the future based on the Pena case. **Mr. Neumeyer** stated there was a 100 percent increase for UIM and that still was not enough additional coverage when an excess was concerned.

**Senator Lakey** stated he did not support mandating one coverage over the other. He thought it would be great if insurance companies offered both. He noted **S 1269** included all excess coverage with no option. **S 1281** had a challenge between offset and excess coverage. He stated it was appropriate to make sure there was clarity. He explained it was his preference to work with the IDOI and clarify language related to offset and excess coverage and this explanation should be provided at the inception of purchasing the policy and at renewal.

**MOTION:** **Senator Lakey** moved to hold **S 1269** and **S 1281** in Committee. **Vice Chair Souza** seconded the motion.

**DISCUSSION:** **Vice Chair Souza** remarked she agreed with Senator Lakey's comment to revise the form and educate the average citizen. She stated it was the responsibility of the insurance company to help the client understand offset and excess coverage.

**Senator Guthrie** remarked any time there was a situation where there was a split decision, it was not in the best interest of the Committee to have a vote, and he supported the motion.

**SUBSTITUTE MOTION:** **Senator Burgoyne** moved to send **S 1269** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** remarked it was the consumer that was affected. He believed this bill was a better approach. Society at large had to pay for auto accidents.

**ROLL CALL VOTE:** **Chairman Patrick** called for a roll call vote on the substitute motion. **Senators Riggs, Ward-Engelking, and Burgoyne** voted aye. **Senators Martin, Lakey, Guthrie, Agenbroad, Vice Chair Souza, and Chairman Patrick** voted nay. The motion failed.

**VOICE VOTE:** The motion to hold **S 1269** and **S 1281** in Committee, carried by **voice vote**.

**S 1368**

**OCCUPATIONAL LICENSING - Amends existing law to remove outdated references to moral character.** **Kate Haas**, Opportunity Solutions Project, indicated this legislation was a terminology clean-up bill consistent with the Occupational Licensing Reform Act passed by the Idaho Legislature in 2020. She noted the reform bill created a new process for how licensing boards considered and evaluated an applicant's past criminal conviction in Idaho Code Chapter 94, Title 67. She stated the 2020 bill removed licensure denials on the basis of vague or generic terminology related to a criminal conviction, including "moral turpitude" or "moral character." She explained this bill reduced confusion and conflict in law by updating all Idaho Division of Occupational and Professional Licensing (IDOPL) boards and commission statute references in alignment with Idaho Code Chapter 94, Title 67. The bill created clear direction for licensing boards when considering applications.

**Ms. Haas** stated there was no impact to the General Fund, federal funds, or the IDOPL dedicated fund. This proposal did not make any substantive changes and simply aligned Idaho code references for interpretation purposes of the IDOPL boards and commissions.

**MOTION:**

**Vice Chair Souza** moved to send **S 1368** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**H 588**

**WILDLAND FIREFIGHTERS - Amends existing law to provide for wildland firefighter differential pay.** **Senator Woodward** noted this legislation would allow the Idaho Department of Lands (IDOL) to provide Hazard Differential Pay (HDP) for the IDOL wildland firefighters. This hazardous work involved exposure to flames, smoke, aircraft accidents, and rough remote terrain where the potential for serious injury or death may result. **Senator Woodward** remarked these firefighters had no control over the environmental conditions surrounding them. Many wildland fires were in remote locations and nearby medical treatment may not be readily available.

**Senator Woodward** stated the growing Wildland Urban Interface (WUI) environment also presented a new challenge for wildland firefighters as they increasingly dealt with panicked, and at times hostile, members of the public. Urban infrastructure such as fuel tanks, ammunition storage, power lines, septic tanks, and wells, all presented additional hazards to firefighters.

**Senator Woodward** reported the IDOL competed against surrounding states and the federal government to recruit and retain qualified wildland firefighting personnel. The IDOL faced a significant recruitment and retention impediment due to other jurisdictions that provided wildland firefighters HDP equal to 25 percent of hourly rates while engaged in fire suppression activities. This legislation would help protect Idaho's public and private forests and rangeland from wildfire by allowing the IDOL to offer competitive compensation for wildland firefighters by improving firefighter recruitment and retention.

The estimated annual cost for providing a wildland firefighter HDP ranged from \$330,000 to \$390,000 which may impact the General Fund, dependent upon if IDOL firefighters were deployed to fires under IDOL protection or to areas protected by other jurisdictions.

**MOTION:**

**Vice Chair Souza** moved to send **H 588** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**WORKERS' COMPENSATION - Repeals and adds to existing law to provide for settlement agreements.** **Representative Skaug** reported the purpose of this bill was to streamline the workers' compensation settlement process for involved parties, employers, and injured workers, who chose to settle their respective claims, rather than going to a hearing or trial. Currently, the settlement process was cumbersome, slow, and private party agreements required approval of the Industrial Commissioners. He noted this bill eliminated the requirement of approval of the Industrial Commissioners, except for settlements involving minors, legally incompetent persons, or when either party was not represented by an attorney. The Idaho Industrial Commission (IIC) would still require the parties to submit information regarding settlements.

**Representative Skaug** stated this bill would have no negative fiscal impact on state or municipal governments or the State General Fund. There would be a positive fiscal impact in the minor lessening of attorney fees for workers' compensation cases contracted to private attorneys by the State. The cost of work hours by Industrial Commission employees would be significantly reduced.

**DISCUSSION:** **Senator Guthrie** clarified with Representative Skaug if the Governor's office supported this legislation. **Representative Skaug** stated he had only discussed this bill with the Governor's office.

**TESTIMONY:** The following testified in support of the bill with the overall theme the IIC did not process Workers' Compensation claims in a timely way, the IIC was not interested in their needs, and the process of submitting and settling a claim was cumbersome:

**Matthew Andrew**, representing himself, noted the process of approval for a claim was a stumbling block.

**Patricia Hanson**, Social Worker, related her experience with mediation through the IIC. She noted her settlement was denied, the hearing was loud and disrespectful, and the IIC did not tell her why her settlement was denied. After her second hearing, her settlement was approved.

**Ty Blinkhorn**, representing himself, stated the current process added more time and involved a third party.

**Michael McPeck**, Workers' Compensation Attorney, said it was important to look at law.

**Dennis Berks**, retired Mediator for the IIC, explained in 2015 at an executive meeting the IIC declared the process was going to change. All lump sum settlements would be scrutinized but mediated sums would not because the information was confidential.

**Todd Joyner**, representing himself, Workers' Compensation Attorney, cited a case that was denied. He noticed there was a wide difference between a 100 percent disability and a 20 percent disability level. The claim was scrutinized by the IIC with irrelevant questions being asked.

**James Arnold**, Workers' Compensation Attorney, stated that prior to 2015 he could tell clients the settlement check would be within two to three weeks but now he was not certain when they may receive their check because the lump sum process had become far more complex and required more scrutiny. He said the hours involved in obtaining a lump sum approval did not change the outcome and all it did was delay the process.

**Andrew Mickelsen**, Mickelsen Family of Companies, stated he had an opportunity to participate in IIC mediation. It took over four months for a settlement because the IIC stated a document was missing, when in fact it was not. He asked the Committee for a "do pass" recommendation as the bill reduced regulation.

**Stephanie Mickelsen**, Mickelsen Farms, related a year ago a particular commissioner made it very difficult to make a claim progress. She said the Legislature had to make the process easier for the public. She reported there were many problems in reappointing this particular commissioner.

**DISCUSSION:** **Senator Guthrie** thanked Ms. Mickelsen for her candor, remarking this legislation was driven by issues with policy and/or personnel at the IIC.

**TESTIMONY:** The following testified in opposition to the bill with the overall theme the bill needed to be held in Committee or amended:

**Darin Monroe**, Workers' Compensation Attorney, stated there was a problem with the IIC. The IIC had denied a lump sum settlement even when the doctor said the claimant needed a knee replacement. The medical portion of the claim should have been kept open. He noted if this bill passed, workers' compensation would not have to pay for future medical treatments. He asked the bill be held in Committee. He explained he was on the Advisory Committee of the IIC.

**Joe Maloney**, Idaho American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), stated this bill was too big of a step and his organization wanted this bill to disappear. However, he would be amenable to an amendment.

Written testimony was received in opposition to the bill from Kent Day.

**DISCUSSION:** **Senator Riggs** stated he was not as familiar with the IIC and asked if there was anyone from the IIC present to answer questions. Since there was no one, he asked the bill be held at the call of the chair.

**MOTION:** **Senator Riggs** moved to hold **H 590** at the call of the chair. **Senator Martin** seconded the motion.

**DISCUSSION:** **Vice Chair Souza** stated this bill had an option stating parties may compromise and settle claims or request a hearing. She queried why would claimants be forced to have the IIC involved? She remarked this was a personnel issue and everyone who had a lump sum settlement must have a review. She stated she would not support the motion.

**Senator Burgoyne** stated that he had a conflict of interest pursuant to Senate Rule 39(H), but intended to vote. He thought everyone had heard there was an appointment confirmation issue related to a commissioner and confirmation had not moved forward. He noted it was really important the Committee not try to judge that issue. Commissioners help with contested cases and much like a judge, could easily misunderstand the situation without all of the facts. He said there were those who thought the bill went a little far and wanted the bill amended, which should be considered. He noted based on the testimony heard today, he was ready to support the bill as this could be more of a personnel issue.

**Senator Lakey** stated he had a conflict of interest pursuant to Senate Rule 39(H), but intended to vote. He stated this bill was appropriate and he opposed the motion.

**DISCUSSION:** **Representative Skaug** stated there was no testimony changing the outcome of settlements. Former members of the IIC had asked to fix this bill. This was a policy issue and oversight had not been approved. He said he kept medical claims open for life in 70 percent of his cases.



**SUBSTITUTE MOTION:** **Senator Lakey** moved to send **H 590** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion.

**DISCUSSION:** **Senator Guthrie** stated he preferred the original motion and he was not sure if the amendments were appropriate. He was in favor of holding the bill.

**ROLL CALL VOTE:** **Chairman Patrick** called for a roll call vote on the substitute motion. **Senators Lakey, Agenbroad, Burgoyne, Vice Chair Souza,** and **Chairman Patrick** voted aye. **Senators Martin, Guthrie, Riggs,** and **Ward-Engelking** voted nay. The motion carried.

**H 611** **INSURANCE - Amends existing law to provide for conditions for reinsurance.** **Dean Cameron**, Director, Idaho Department of Insurance (IDOI), reported this legislation authorized the Director of the IDOI to apply for a Federal 133 Innovation Waiver, and along with the Board of Directors of the Idaho Individual High Risk Reinsurance Pool (IHRRP), to implement that waiver once approved. In order to obtain larger premium reductions for consumers participating in the individual health insurance market, the legislation halted any reinsurance payments by the IHRRP until the waiver application was approved.

**Mr. Cameron** noted this legislation would have no additional impact to the State's General Fund or any dedicated fund. The reinsurance waiver application would be completed by the IDOI staff or by the IHRRP Board, without need for any new funding. There would be a one-time \$25 million appropriation for the IHRRP.

**Mr. Cameron** indicated the waiver would reduce rates from 7 to 8 percent for health insurers and help consumers purchasing health insurance. This would particularly help those that did not qualify for a subsidy.

**MOTION:** **Senator Martin** moved to send **H 611** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:10 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:15 PM**  
**Room WW54**  
**Tuesday, March 15, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
	NOTE TIME CHANGE! THE MEETING WILL BEGIN AT 1:15 P.M.	
<b>MINUTES APPROVAL:</b>	Minutes of March 3, 2022	Senator Burgoyne
<a href="#"><u>H 582</u></a>	BUILDING CODES - Amends existing law to provide for electrical, plumbing, and HVAC installations by nonprofit groups and volunteers.	Rep. Dixon
<a href="#"><u>H 660</u></a>	BUILDING CODES - Amends and adds to existing law to provide for the adoption of the Idaho Energy Conservation Code.	Rep. Dixon
<a href="#"><u>H 554</u></a>	PERSI - Adds to existing law to define "early retirement" and "service retirement."	Don Drum, Executive Director, PERSI
<a href="#"><u>H 555</u></a>	PERSI - Amends, adds to, and repeals existing law to provide for the contribution rates and reemployment of school members.	Don Drum
<a href="#"><u>H 473</u></a>	PROPERTY - Amends existing law to provide that security deposits for residential rental premises shall be maintained in accounts at institutions insured by the FDIC or the NCUA.	Rep. Nichols
<a href="#"><u>H 701</u></a>	IDAHO WORKFORCE HOUSING FUND - Adds to existing law to establish the Idaho Workforce Housing Fund and to provide for the allocation of funds.	Senator Agenbroad
<a href="#"><u>H 580</u></a>	EASEMENTS - Amends existing law to provide for easements in gross of a commercial character.	Hethe Clark, Attorney

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
[\*\*\*Register to Testify\*\*\*](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
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MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, March 15, 2022

**TIME:** 1:15 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Senator Lakey

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:15 p.m.

**MINUTES APPROVAL:** **Senator Burgoyne** moved to approve the Minutes of March 3, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 582**

**BUILDING CODES - Amends existing law to provide for electrical, plumbing, and HVAC installations by nonprofit groups and volunteers.** **Representative Dixon** reported this legislation allowed a non-profit organization and its volunteers to construct single family residences without the need to subcontract work to licensed individuals. This legislation created an electrical, plumbing, and Heating, Ventilation, and Air Conditioning (HVAC) licensure exemption when providing these volunteer services. **Representative Dixon** noted this legislation did not change the current requirements in Idaho Code to apply for a permit and finalize an inspection according to life-safety codes when completing these installations in a single-family residence.

**Representative Dixon** indicated this legislation would have no impact on the State's General Fund, dedicated, or federal fund because adding this licensure exemption to Idaho Code did not create any new State program and did not compel any State action.

**Representative Dixon** noted some of the cities and other stakeholders asked for amendments.

**TESTIMONY:** **Patrick Sullivan**, City of Nampa Building Safety Inspector, testified in opposition to this bill. He mentioned homeowners did not have sufficient knowledge of the building codes. There would be unforeseen consequences, putting city inspectors in the role of designer and journeyman, with an increased workload.

**DISCUSSION:** In response to questions posed by **Chairman Patrick**, **Senator Martin**, and **Senator Guthrie**, **Mr. Sullivan** remarked very few homeowners drew permits when either doing their own work or building their own house. He explained the process of issuing a permit, inspections, and corrections for work done incorrectly. Initially he said he was opposed at any level to the bill as he saw it as extra work. When asked by **Vice Chair Souza** he said he would concur with some of the suggested amendments, if there was a contact person to manage the whole project.

**TESTIMONY:** **Marty Durand**, Idaho Building Trades Council, testified remotely in opposition to the bill. She noted this bill was not necessary as many homes would be built with unknown risks. An inspection did not guarantee that everything was done correctly. She questioned who determined the definition of a nonprofit.

**Kelly Packer**, Executive Director, Association of Idaho Cities, testified in support of the bill. She remarked the language was too broad which allowed any nonprofit organization to perform electrical, plumbing, and HVAC services without licensed professionals. She urged the Committee to send this bill to the 14th Order of Business for possible amendment. She remarked the changes would create a safety net.

**DISCUSSION:** **Representative Dixon** remarked he was amenable to changes. He noted there was usually a point of contact with a supervisor already on site. In answer to a question posed earlier by Ms. Durand, he stated a nonprofit was identified in Code.

**Senator Burgoyne** and **Representative Dixon** discussed the advantage of allowing this bill and how the shift of liability would rest on the nonprofit organization. **Representative Dixon** indicated this bill would allow volunteers to do some of these jobs but inspections would still have to be done.

**MOTION:** **Senator Guthrie** moved to send **H 582** to the 14th Order of Business for possible amendment. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**. Senator Martin voted nay.

**H 660** **BUILDING CODES - Amends and adds to existing law to provide for the adoption of the Idaho Energy Conservation Code.** **Representative Dixon** reported this legislation created the Idaho Energy Conservation Code (IECC) in Idaho Code Title 39, Chapter 97. The new chapter added the current adoption of the 2018 IECC by the Building Code Board (BCB) into Idaho Code. The legislation prohibited local governmental entities from adopting any energy codes that differed from or were more extensive than the requirements of the IECC. He noted this legislation did not adopt any new provisions of energy code and did not change the rulemaking authority for the BCB under the Idaho Division of Occupational and Professional Licenses (IDOPL) to make amendments, revisions, or modifications to the IECC adopted by the Idaho Legislature.

**Representative Dixon** indicated there was no impact on the State's General Fund, dedicated, or federal fund because with the addition of this code adoption to Idaho Code, no new State program was created and the State was not compelled to take any action. The 2018 IECC formally adopted into Idaho Code as the IECC through this legislation was already in place through Idaho administrative rule.

**DISCUSSION:** In response to a question from **Senator Burgoyne** about the advantages of the bill, **Representative Dixon** remarked this bill would slow down the process with Idahoans being able to have a say. **Representative Dixon** noted amendments could be made with regional rulemaking.

**Senator Guthrie** noted there was considerable opposition to this bill and asked if Representative Dixon had shared the proposed amendments with stakeholders. **Representative Dixon** stated he had shared the amendments with mass timber and others and all were amenable to making amendments.

**TESTIMONY:** **Geoffrey Wardle**, Building Owners and Managers Association (BOMA), and Government Affairs International, stated his biggest concern was slowing down the code-making process. He submitted written testimony. He asked to have the bill held in Committee.

**Steven Thomas**, Idaho Forest Group, testified in opposition to the bill. He noted there was a high level of concern for preserving the benefits relative to the use of mass timber regulations for tall buildings. He submitted written testimony. In response to a question posed by **Vice Chair Souza** if he agreed with an amendment of moving mass timber regulations into a separate area and **Mr. Thomas** said he might.

**Jonathan Oppenheimer**, Idaho Conservation League, testified in opposition to the bill. He noted that by separating rules and putting them into their own statute that would hurt consumers. He said the reality was technological improvements kept moving at a great speed and thus it was not realistic for homeowners to be experts on the updated improvements in code. He asked this bill be held in Committee.

**Patrick Sullivan**, City of Nampa Building Safety Inspector, testified in opposition to the bill because he said it was a change in the body of the building code law.

**Ken Burgess**, Idaho Building Contractor's Association, testified in support of the bill. He noted in terms of energy conservation, it was not the government's position to tell residents what kind of light bulb they needed. He stated he wanted consistency and liked freezing the code at the 2018 level. He said he was more concerned about the next evolution about what was coming from the ICC. He asked the rhetorical question at what point did energy levels pay the consumer back. He remarked this bill added another layer to adopting the next energy conservation code.

**Johanna Bell**, Association of Idaho Cities, stated she held a neutral position and recommended the bill be sent to the 14th Order of Business for possible amendment. She said it was a big change in terms of putting the energy code into its own chapter. She submitted written testimony suggesting amendments.

Written testimony was received in opposition to the bill from the following: William Fay, former Idahoan; Doug Paddock, Field Organizer, Idaho Organization of Resource Councils; American Wood Council, Boise Cascade, Idaho Forest Group, PotlatchDeltic; Tim Shestek, Senior Director, State Affairs, American Chemistry Council; and Michael Engle, Portneuf Resource Council. The overall theme was objection to moving rules into a separate entity.

**DISCUSSION:** **Representative Dixon** remarked this bill still allowed a consumer or builder to construct whatever they wanted. This bill helped builders and provided continuity across the State. Because this was a fundamental change, this allowed for negotiated rulemaking to work. He noted the proposed amendments should take care of concerns.

**MOTION:** **Senator Guthrie** moved to send **H 660** to the 14th Order of Business for possible amendment. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**H 554**                    **PERSI - Adds to existing law to define "early retirement" and "service retirement."** Don Drum, Executive Director, Public Employees Retirement System of Idaho (PERSI), explained this bill added the definition of "early retirement" and "service retirement" to Idaho Code § 59-1302. This legislation would clarify the definition of these terms as they applied to members retiring under different sections of Idaho Code.

**MOTION:**            **Senator Guthrie** moved to send **H 554** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**H 555**                    **PERSI - Amends, adds to, and repeals existing law to provide for the contribution rates and reemployment of school members.** Don Drum, PERSI, stated this statutory change was required due to uneven cost issues between segments of PERSI's member population and economic issues that were impacting an employer's ability to attract an adequate workforce. He explained the normal cost was the actual cost of the PERSI benefit. While overall costs of PERSI remained the same, PERSI actuaries noticed the normal cost for school employees was increasing at a more rapid rate than other general members and exceeded that of general members. He stated after a study was completed by Milliman, it was noted the demographics for school employees were significantly different than those of other general members. School employees started careers earlier, remained on their career path more consistently, and lived longer than other general members. Because of these factors, school employees tended to draw benefits for a longer period of time which increased the overall cost.

**Mr. Drum** stated the PERSI Board proposed an establishment of a new School Employee rate. If approved, the PERSI Board was prepared to reduce general member rates to the actual normal cost for general members for a savings of \$4 million. This legislation would allow the rehire of retirees who retired prior to January 1, 2022, and without any impact to their benefits, to help fill the approximately 2,600 open positions at the State level. However, a retiree returning to work would not accrue additional retirement benefits or would an employer have to offer benefits. There was a sunset clause of June 30, 2026. **Mr. Drum** noted that school districts had provided benefits to teachers and administrators who returned to work after retiring.

**DISCUSSION:**      In response to questions from several Committee members, **Mr. Drum** stated if a retiree were to return to work, the retirement would be frozen at the same amount when they retired. Cost-of-Living Adjustments were applicable and this bill solved a workforce issue. He said because of the sunset clause retirement decisions could be impacted. The employer would decide who to hire, what to pay, and whether to pay benefits. These employees were not under contract.

**MOTION:**            **Senator Ward-Engelking** moved to send **H 555** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 473**                    **PROPERTY - Amends existing law to provide that security deposits for residential rental premises shall be maintained in accounts at institutions insured by the FDIC or the NCUA.** Representative Nichols stated this bill made changes to Idaho Law under Idaho Code § 6-321, which added both the Federal Deposit Insurance Corporation (FDIC) and the National Credit Union Administration (NCUA) for the purpose of holding security deposits for residential rental premises managed by a third party.

**Representative Nichols** noted there was no impact to the General Fund or local government because this bill was only to make a technical correction to existing law.

**DISCUSSION:** **Senator Agenbroad** questioned why were there changes in the bill to name two federally insured financial institutions. **Representative Nichols** stated the Legislative Services Office added this language. **Senator Agenbroad** remarked this bill further restricted who could receive these security deposits. **Representative Nichols** stated she had spoken to credit unions and property management companies who were very supportive and the preference was to allow both the FDIC and credit unions to hold deposits.

**MOTION:** **Senator Ward-Engelking** moved to send **H 473** to the floor with a **do pass** recommendation. The motion died due to the lack of a second.

**H 701** **IDAHO WORKFORCE HOUSING FUND - Adds to existing law to establish the Idaho Workforce Housing Fund and to provide for the allocation of funds.** **Senator Agenbroad** reported this legislation created the Idaho Workforce Housing Fund (IWHF), which accepted monies as appropriated by the Legislature and used to provide gap financing for workforce housing development.

**Senator Agenbroad** stated the proposed funding source for fiscal year (FY) 2023 was \$50 million in American Rescue Plan Act (ARPA) State Fiscal Recovery Funds.

**TESTIMONY:** **Ali Rabe**, former Senator, representing herself, Director of Jesse Tree, talked about the skyrocketing costs of housing and how wages had not kept pace. Rent increased by 37 percent in Ada County. She noted some Idahoans were becoming homeless for the first time. Affordability was at the root of the housing crisis that the State could not afford to ignore. She was in support of this bill.

**Karen Lansing**, Executive Director, Habitat for Humanity, Idaho Falls, testified virtually in support of the bill. She stated housing and affordability were her main goal. Housing costs were out of control. The cost of materials had doubled over the last couple of years.

**Kendra Knighten**, Idaho Asset Building Network, testified in support of the bill. She noted the Idaho Asset Building Network brought together a multi-sector coalition committed to promoting policies that ensured all Idahoans had access to an affordable home. She stated the bill supported State investments in one of Idaho's most critical current needs and ensured working Idahoans were able to live and support their families.

**Caleb Roope**, Chief Executive Officer, Pacific Companies, testified in support of the bill. He stated he had been building affordable workforce housing for many years. He stated one of the values of this funding was that it unlocked money made available to the State.

**DISCUSSION:** **Senator Guthrie** and **Mr. Roope** discussed gap financing and how many years gap level funding would be available. **Mr. Roope** noted that in Idaho there was a 40-year compliance period.

**TESTIMONY:** **Ellen Gantz**, Mountain Association of Realtors, testified in support of the bill. She explained she worked on workforce housing in McCall and stated those who made \$62,000 per year were looking for affordable housing.

**Denise Caruzzi**, Boise Homeless Commission, testified in support of the bill. She noted there was a statewide crisis in housing which had become an economic issue that impacted everyone. The ARPA funds provided a solution to this issue.

Written testimony in support of the bill was received from: Quinn Perry, Idaho School Boards Association (ISBA); Francoise Cleveland, American Association of Retired Persons (AARP); Ellen Ganz, Mountain Central Association of Realtors; Joseph Howell, representing himself; Shellan Rodriguez, SMR Development; and

Hilary Anderson, American Planning Association, Idaho Chapter. The overall consensus was this was a good bill and would help Idahoans with housing.

**MOTION:** **Senator Guthrie** moved to send **H 701** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 580** **EASEMENTS - Amends existing law to provide for easements in gross of a commercial character.** **Hethe Clark**, Land Use Attorney, reported this bill created an exception to allow commercial easements in gross (easements that benefit a particular person rather than a parcel of land) to be inheritable, bringing Idaho law into conformity with neighboring states. He noted this bill would have no impact on the General Fund because this legislation allowed certain easements in gross to be transferred and did not require significant government involvement or expenditure of funds.

**TESTIMONY:** **Representative Gestrin**, co-sponsor of the bill, testified in support of the bill.

**MOTION:** **Senator Burgoyne** moved to send **H 580** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:58 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:15 P.M.**  
**Room WW54**  
**Thursday, March 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
	NOTE TIME CHANGE! THE MEETING WILL BEGIN AT 1:15 P.M.	
<b>MINUTES APPROVAL:</b>	Minutes of March 8, 2022	Senator Agenbroad
<a href="#"><u>H 762</u></a>	BARBER AND COSMETOLOGY SERVICES - Amends existing law to provide for natural hair braiding without a license.	Senator Den Hartog
<a href="#"><u>H 589</u></a>	PERSI - Amends existing law to add juvenile detention officers, juvenile probation officers, and adult misdemeanor probation officers to the list of police officer members eligible for retirement purposes.	Senator Cook
<a href="#"><u>H 583</u></a>	DIGITAL ASSETS - Adds to existing law to provide for classification of digital assets, to provide for purchase and sale of digital assets, and to provide for perfection by possession or control of digital assets.	Senator Riggs
<a href="#"><u>H 610</u></a>	COLLECTION AGENCIES - Amends existing law to revise certain requirements for collection agencies and applicants for licensure.	Rep. Furniss
<a href="#"><u>H 499</u></a>	PERSI - Amends existing law to provide police officer member status to emergency communications officers.	Rep. Chaney
<a href="#"><u>H 703</u></a>	HOMEOWNER'S ASSOCIATION ACT - Amends, repeals, and adds to existing law to reestablish the Homeowner's Association Act.	Rep. Troy
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Trent Nate to the Idaho Health Insurance Exchange Board	Trent Nate
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Sarah Griffin to the Idaho Personnel Commission	Sarah Griffin
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Thomas Baskin to the Idaho Industrial Commission	Thomas Baskin

**Public Testimony Will Be Taken by Registering Through the Following Link:**  
[Register to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, March 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/  
EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee to order at 1:15 p.m. **Chairman Patrick** announced some of the items on the agenda would be heard out of order due to the schedules of some of the presenters.

**H 499** **PERSI - Amends existing law to provide police officer member status to emergency communications officers. Representative Chaney** reported Idaho emergency dispatchers were not eligible to retire until they reached the Rule of 90 within the Public Employee Retirement System of Idaho (PERSI), meaning their age plus years on the job equaled 90. The position of an "Emergency Communications Officer" required these officers to be certified in Idaho's Peace Officers Standards and Training (P.O.S.T.) Dispatchers worked the same hours as patrolmen and experienced similar stress and trauma from taking emergency calls. Dispatchers must have the ability to multi-task and think critically, while working long hours in order to respond effectively for the Idaho public.

**Representative Chaney** reported the purpose of this legislation was to include Idaho's dispatchers into the PERSI's Rule of 80 system to retain and incentivize law enforcement frontline workers.

**Representative Chaney** referenced there were roughly 580 budgeted dispatch positions in Idaho with wages ranging from \$12 to \$23. The ongoing cost to PERSI would be approximately 5.2 percent of total dispatcher payroll. There would be no cost to the General Fund because this legislation increased the contribution rate for both the employee and the employer. Determining the accurate dollar figure related to this increase based on the total number of dispatchers was difficult as city, county, and state payrolls had to be factored in. The majority increase was covered by increased employee contributions.

**DISCUSSION:** **Chairman Patrick** and **Representative Chaney** discussed the qualifications for the Rule of 80 and credit for the Rule of 90. **Representative Chaney** affirmed those who qualified for the Rule of 80 received credit for the Rule of 90.

**TESTIMONY:** **Kieran Donahue**, Canyon County Sheriff, testified in support of the bill. He noted dispatchers were critical employees who had a very stressful job. He said even though there had been discussions about costs for PERSI, those costs would be realized later on. He stated retaining experienced dispatchers was crucial.

**Cortney Lyskoski**, dispatcher, Ada County Sheriff's office, testified in support of the bill. She reported she and co-workers had saved lives. She said the dispatcher job was good, but employees had to be ready and sharp. This was a very stressful job and first responders should qualify for retirement benefits.

**MOTION:** **Senator Ward-Engelking** moved to send **H 499** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**. Senator Riggs voted nay.

**MINUTES APPROVAL:** **Senator Agenbroad** moved to approve the Minutes of March 8, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**H 762** **BARBER AND COSMETOLOGY SERVICES - Amends existing law to provide for natural hair braiding without a license.** **Senator Den Hartog** stated this legislation created a cosmetology licensure exemption for a person to practice natural hair braiding services in Idaho. The bill removed unnecessary cosmetology license barriers and red tape to Idahoan entrepreneurs serving their community.

**Senator Den Hartog** remarked this legislation had no impact on the State's General Fund, or any dedicated, or federal fund. No fee schedules were added to the Idaho Division of Occupational and Professional Licenses (IDOPL) dedicated fund.

**MOTION:** **Senator Lakey** moved to send **H 762** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 703** **HOMEOWNER'S ASSOCIATION ACT - Amends, repeals, and adds to existing law to reestablish the Homeowner's Association Act.** **Representative Nilsson Troy** noted this legislation combined all Idaho Code related to Homeowner's Associations (HOA)'s into a single new Chapter and Title, provided for meetings and financial disclosures, and provided for legislative intent to protect the rights of current and future property owners within an HOA. She provided a color-coded version of the bill (Attachment 1).

**Representative Nilsson Troy** indicated there was no expense to the General Fund or any other funds. Many of the sections were already in code. The additions pertained to HOA Board meetings and additional financial transparency for HOA's.

**DISCUSSION:** **Vice Chair Souza** referred to the colored-coded version of the bill and asked Representative Nilsson Troy to go over the changes.

**Chairman Patrick** asked if political signs could be placed on private property within an HOA. **Representative Nilsson Troy** remarked that law was changed a couple of years ago and political signs were allowed.

**Senator Lakey** and **Representative Nilsson Troy** discussed executive sessions and how this bill made it very clear what executive sessions could cover.

**TESTIMONY:** **Kevin Zazio**, representing himself, spoke in support of the bill. He said this bill brought a lot of clarity.

**Burt Willie**, Attorney, Community Association Institute, testified in support of the bill. He stated he had worked with Representative Nilsson Troy in the crafting of this bill.

**DISCUSSION:** **Senator Lakey** and **Mr. Willie** discussed the idea that an HOA board could not use its power to adopt rules governing the common property to expand the provisions of the restrictive covenants as they related to a member's property.

**TESTIMONY:** **Brindee Collins**, Attorney, Idaho Community Association Institute, testified in support of the bill. She stated the bill showed best practices of what an association needed to do. Rulemaking authority came from the declaration or the restrictive covenants, with rules being made if the restrictive covenants permitted that and only those terms to which the association was empowered. This legislation clarified that HOA boards that only have the rulemaking authority to govern the common areas could not use those rules to apply them to private property without the authority to do so in the covenants.

**DISCUSSION:** **Vice Chair Souza** discussed with **Ms. Collins** changing the Covenants, Conditions and Restrictions (CC&R's) and could only be changed by a two-thirds or 75 percent vote of the lot owners. **Ms. Collins** noted in the instance where an HOA only authorized its board to adopt rules governing the common area, the HOA Board did not have the authority to fill in, tailor, or expand the restrictive covenants in any way.

**MOTION:** **Vice Chair Souza** moved to send **H 703** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 589** **PERSI - Amends exiting law to add juvenile detention officers, juvenile probation officers, and adult misdemeanor probation officers to the list of police officer members eligible for retirement purposes.** **Senator Cook** reported the purpose of this legislation was to add juvenile detention, juvenile probation, and adult misdemeanor (Peace Officer Specialized Training (P.O.S.T.) certified officers to the Rule of 80 retirement plan.

**Senator Cook** stated this legislation had no impact on the State's General Fund, any dedicated or federal fund. This proposal demanded an increase of contribution by each individual employee of less than \$1,000 per year, and a contribution by the county of \$161.82 per new employee receiving the Rule of 80 benefit per year. He referred to his handout entitled **H 589** Rule of 80 Fast Fact Sheet (Attachment 2)

**DISCUSSION:** **Senator Burgoyne** and **Senator Cook** discussed Attachment 2 with **Senator Cook** noting the figures were annual and the counties were very supportive.

**TESTIMONY:** **Brian Walker**, Idaho Association of County Juvenile Justice Administrators, testified in support of the bill. He stated the County commissioners were supportive. All officers had to be P.O.S.T. certified. He explained juvenile detention was the last stop for many offenders.

**Leslie Duncan**, Kootenai County Commissioner, testified in support of the bill noting she dealt with felony clients who had their charges reduced to a misdemeanor as part of a plea deal. Some of those clients were very difficult to deal with.

**DISCUSSION:** **Senator Guthrie** queried why **H 589** and **H 499** were not combined into one bill. **Senator Cook** indicated there was an attempt to combine the two bills but due to a formatting issue on page 1, the decision was made not to combine the bills.

**Senator Burgoyne** noted when two bills had a formatting issue, the Legislative Services Office would reconcile the language before the legislation was placed into law.

**MOTION:** **Senator Burgoyne** moved to send **H 589** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 583**

**DIGITAL ASSETS - Adds to existing law to provide for classification of digital assets, to provide for purchase and sale of digital assets, and to provide for perfection by possession or control of digital assets.** **Representative Manwaring** stated the purpose of this legislation was to define the legal status of digital assets, classify digital assets as personal property, and specify rights of purchase, possession, and control. He cited an example of the truckers in Canada who were to be paid in digital currency, but the country declared that cryptocurrency was worthless, so they were not paid. He noted this bill was trying to lay the groundwork to protect the rights of people.

**Representative Manwaring** remarked there was no fiscal impact to the General Fund, any dedicated fund, federal grants, or impact to local funds because no expenditure from these accounts was required. This did not modify any State budget or personnel authorizations.

**DISCUSSION:** **Vice Chair Souza** remarked she thought digital assets was something the government could not get involved in and was wondering why Canada cut off digital assets. **Representative Manwaring** stated people were using a specific platform and it could be turned off along with any storage.

**Chairman Patrick** queried what was the value of digital assets. **Representative Manwaring** indicated digital assets were between two people. There were places who now accepted digital assets and would convert it into other forms. **Chairman Patrick** and **Representative Manwaring** discussed that whether the government backed cryptocurrency, it was going to exist and it was a personal property right. **Chairman Patrick** stated he would be willing to discuss rules when they were brought forth.

**Senator Agenbroad** remarked he liked the idea of legislation relating to digital assets. There was no system to establish value but wondered if the word "or" inserted at the bottom of page 1 and on page 2, lines 1 and 2, would make a difference in defining digital assets. He noted that in order to be considered digital currency, according to these lines, all of those items had to be listed. **Representative Manwaring** remarked the current language

was more appropriate.

**Senator Burgoyne** referred to page 3 of the bill and queried if the section was analogous to the idea of bearer bonds or similar instruments where simply possessing them was sufficient as opposed to possessing a dollar bill. **Representative Manwaring** discussed recognizing someone who possessed the asset of a dollar bill, that they possessed a security interest without doing anything else. **Representative Manwaring** remarked there may be future legislation related to how to take a security interest in a digital asset for lending purposes or other commercial transactions. They discussed possession of a digital asset and if a person had the key, they possessed the asset.

**TESTIMONY:** **Zach Forster**, Government Affairs Director, Idaho Bankers Association, testified in support of the bill. He noted it was important to start the process of how to handle digital assets.

**DISCUSSION:** **Senator Burgoyne** and **Mr. Forster** discussed digital asset legislation in other states and how it related to other legislation.

**TESTIMONY:** **Ryan Fitzgerald**, Northwest Credit Union, testified in support of the bill. He stated it was a good first step for the State in order to establish basic property rights.

**MOTION:** **Senator Guthrie** moved to send **H 583** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**H 610** **COLLECTION AGENCIES - Amends existing law to revise certain requirements for collection agencies and applicants for licensure.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), stated this proposed legislation added a provision to allow collection agencies to collect incidental charges included in the contract between the creditor and the debtor. Additionally, the legislation created licensing efficiencies by requiring the use of an electronic system of licensing and allowed for the reinstatement of an expired license. The legislation eliminated a licensing requirement regarding a responsible person in charge of a licensee. He went over the bill section by section noting changes.

**Mr. Polidori** stated this legislation had no impact on the State's General Fund or to the IDOF State Regulatory Fund - Foundation for International Arbitration Advocacy (FIAA) or federal fund because the application fees collected by the IDOF for licensees or license applicants were not altered. Also, this legislation did not alter the application of the Idaho Collection Agency Act licensing requirements to entities conducting covered activities in Idaho.

**DISCUSSION:** **Vice Chair Souza** and **Mr. Polidori** discussed the 2014 Idaho Supreme Court case about attorney fees and that the court decided how much they would allow for fees. **Mr. Polidori** explained just because the contract contained a fee for \$1,000, the court could say the attorney could not collect the money simply because it was within the contract. He reiterated that any ancillary fees within a contract could not be collected as a matter of course. Only the principal obligation could be collected and anything expressly authorized by law. An attorney could only be paid for costs incurred or that were reasonable.

**MOTION:** **Senator Burgoyne** moved to send **H 610** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** **Chairman Patrick** announced the three gubernatorial appointments scheduled for this meeting would be heard at 8:15 a.m. Friday, March 18, 2022. There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:57 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



*Unified appropriate sections of code - protects the rights of homeowners*

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature

Second Regular Session - 2022  
*- Economic unfair or unjust actions by the HOA's*

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 703

BY WAYS AND MEANS COMMITTEE

*- Provides clear guidance for meetings - Financial Disclosure*

AN ACT

RELATING TO THE HOMEOWNER'S ASSOCIATION ACT; REPEALING SECTION 45-810, IDAHO CODE, RELATING TO HOMEOWNER'S ASSOCIATION LIENS; REPEALING SECTION 55-115, IDAHO CODE, RELATING TO PROHIBITED CONDUCT BY HOMEOWNER'S ASSOCIATIONS; REPEALING SECTION 55-116, IDAHO CODE, RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE ADMINISTRATION OF AN INCORPORATED OR UNINCORPORATED HOMEOWNER'S ASSOCIATION, TO PROVIDE FOR DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES BY A HOMEOWNER'S ASSOCIATION, TO PROVIDE FOR VIOLATIONS, DUE PROCESS AND NOTICE, LIMITATIONS ON FINES, AND ATTORNEY'S FEES, TO PROVIDE FOR HOMEOWNER'S ASSOCIATION LIENS, TO ESTABLISH PROVISIONS REGARDING SOLAR PANELS, TO ESTABLISH PROVISIONS REGARDING POLITICAL SIGNS, TO ESTABLISH PROVISIONS REGARDING FLAGS, AND TO PROHIBIT CERTAIN CONDUCT REGARDING RENTAL RESTRICTIONS; AMENDING SECTION 42-1311, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 45-810, Idaho Code, be, and the same is hereby repealed. *Deals w/ Homeowners Liens*

SECTION 2. That Section 55-115, Idaho Code, be, and the same is hereby repealed. *Property & Ownership - General Provisions*

SECTION 3. That Section 55-116, Idaho Code, be, and the same is hereby repealed. *Statement of account & Disclosure of fees.*

SECTION 4. That Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 55, Idaho Code, and to read as follows:

CHAPTER 32  
HOMEOWNER'S ASSOCIATION ACT

55-3201. SHORT TITLE. This chapter shall be known and may be cited as the "Homeowner's Association Act."

55-3202. LEGISLATIVE INTENT. An increasing number of Idahoans reside within homeowner's associations. To protect the rights of current and subsequent property owners within a homeowner's association, it is the intent of the legislature to ensure the transparent operation and inclusive management of these associations, balancing the rights of all owners within home-



owner's associations to promote harmony and respect for community standards and to protect the rights of individuals and neighbors in the community.

55-3203. DEFINITIONS. As used in this chapter:

(1) "Board" means the entity that has the duty of governing the homeowner's association and may be referred to as a board of directors, executive board, or any other such similar name.

55-115 (1)(b)

(2) "Financial disclosure" means the accounting records of the organization that are kept, disclosed, and made available for inspection in accordance with part 11, chapter 30, title 30, Idaho Code, and the governing documents of the homeowner's association.

Part 11 records & reports

(3) "Governing documents" means a written instrument by which the homeowner's association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the homeowner's association. "Governing documents" includes but is not limited to articles of incorporation, bylaws, a plat, rules of the homeowner's association, and any declaration of covenants, conditions, and restrictions.

(4) "Homeowner's association" means any incorporated or unincorporated association:

45-810 (6)

(a) In which membership is based upon owning or possessing an interest in real property; and

(b) That has the authority, pursuant to recorded covenants, bylaws, or other governing documents, to assess and record liens against the real property of its members.

(5) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or a lot within the physical boundaries of an established homeowner's association.

55-155 (1)(c)

55-3204. ADMINISTRATION OF AN INCORPORATED OR UNINCORPORATED HOMEOWNER'S ASSOCIATION. (1) Board meetings must be open to the members of the homeowner's association and any representative or agent designated in a signed writing by a member to represent the member.

(2) An executive session at which members of the homeowner's association are excluded may be held upon a majority vote of the board for the following purposes:

(a) To consider matters of personnel, hiring, bid review, or contract negotiation;

(b) To consider records that are not subject to disclosure under part 11, chapter 30, title 30, Idaho Code;

(c) To consult with an attorney for the purpose of obtaining legal advice. The mere presence of legal counsel at a board meeting shall not justify entering into executive session;

(d) To discuss ongoing or potential litigation, mediation, arbitration, or administrative proceedings; or

(e) To discuss sensitive matters related to an individual member's property or assessments, such as violations or delinquent assessments.

(3) All homeowner's associations, whether incorporated or unincorporated, shall:

(a) Hold a meeting of the membership each calendar year. Such meeting may be conducted in person or, with the approval of a simple major-

Part 11 records & reports

45-810 (7)

Language about "in order to file a lien as provided in this section, an HOA that is unincorporated must be governed by EVAPANED to include both

To file a lien page 2



30-30-501  
Annual & Regular  
meetings  
30-30-505  
Notice of  
meetings

1 ity of the members, be conducted through an electronic or hybrid meeting  
2 model;

3 (b) Be governed by the provisions of sections 30-30-501 and 30-30-505,  
4 Idaho Code, as those provisions relate to notice of meetings of the  
5 homeowner's association. The board may adopt a process for members to  
6 choose to receive notice of any meeting of the homeowner's association  
7 by electronic means rather than by mail. All dates and information of  
8 the notice must remain the same as a mail notice;

9 (c) Take minutes from all meetings of the homeowner's association, in-  
10 cluding membership meetings and board meetings, and preserve such min-  
11 utes for a minimum of ten (10) years; and

12 (d) Determine and establish the amount of assessments in accordance  
13 with the governing documents or, in the event the governing documents  
14 do not include such language, with the approval of a majority of the  
15 members of the homeowner's association.

16 (4) A board of a homeowner's association may not use its power to adopt  
17 rules governing the common property to expand the provisions of the restric-  
18 tive covenants as they relate to a member's property.

19 (5) All homeowner's associations, whether incorporated or unincorpo-  
20 rated, shall be governed by sections 30-30-502 and 30-30-608, Idaho Code,  
21 as those sections relate to the removal of a board member and the process of  
22 calling a special meeting for such removal.

23 (6) Unincorporated homeowner's associations shall be governed by by-  
24 laws that provide for at least the following:

25 (a) A requirement that the homeowner's association holds at least one  
26 (1) meeting each calendar year;

27 (b) A requirement that notice of any meeting of the homeowner's associ-  
28 ation be published and distributed to all members of the homeowner's as-  
29 sociation;

30 (c) A requirement that the minutes of all homeowner's association meet-  
31 ings be taken and preserved;

32 (d) A method of adopting and amending fees; and

33 (e) A provision that no fees or assessments of the homeowner's asso-  
34 ciation may be increased unless a majority of all members of the home-  
35 owner's association vote in favor of the increase.

36 (7) If a homeowner's association violates any of the provisions of this  
37 chapter and a member prevails in a legal action to protect his rights, the  
38 member shall be entitled to an award of reasonable attorney's fees.

39 55-3205. DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES. (1) A home-  
40 owner's association or its agent must provide a member and the member's  
41 agent, if any, a statement of the member's account no more than five (5)  
42 business days after a request by the member or the member's agent is received  
43 by the manager, president, board member, or other agent of the homeowner's  
44 association, or any combination thereof. The statement of account must in-  
45 clude, at a minimum, the amount of annual charges against the property, the  
46 date when said amounts are due, and any unpaid assessments or other charges  
47 due and owing from such member at the time of the request. The homeowner's  
48 association will be bound by the amounts set forth within the statement of  
49 account.

45-810  
(7) a

30-30-502  
special  
meetings  
10%  
608 -  
removal  
of directors

45-810  
(7)

Property owner

55-116  
(1)

30-30-501

Missed  
Categorizing  
Scanning



Property Owners

(2) On or before January 1 of each year, a homeowner's association or its agent must provide its members a disclosure of fees that will be charged to a member in connection with any transfer of ownership of his property. Fees imposed by a homeowner's association for the calendar year following the disclosure of fees may not exceed the amount set forth on the annual disclosure, and no surcharge or additional fees may be charged to any member in connection with any transfer of ownership of his property. No fees may be charged for expeditiously providing a member's statement of account as set forth in this section.

55-116  
(2)

(3) A homeowner's association or its agent must provide a member and the member's agent, if any, an up-to-date financial disclosure no more than ten (10) business days after a request by the member or the member's agent is received by the manager, president, board member, or other agent of the homeowner's association, or any combination thereof.

(4) Within sixty (60) days of the close of the fiscal year, a homeowner's association or its agent must provide all members of the organization, and the member's agent, if any, with an up-to-date and reconciled financial disclosure for the fiscal year.

55-3206. VIOLATIONS -- DUE PROCESS AND NOTICE -- LIMITATION ON FINES -- ATTORNEY'S FEES. (1) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of a homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions. (a) A majority vote by the board is required before any fine may be imposed on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association. (b) Written notice must be provided to the member at least thirty (30) days prior to a meeting at which a vote to impose a fine on the member is to be held. Service of the notice must be by personal service or certified mail.

New Section

55-115

(2)

a)

b)

c)

d)

e)

(c) (2) In the event the member begins resolving the violation prior to a meeting held pursuant to subsection (1) of this section, no fine may be imposed as long as the member continues to address the violation in good faith until fully resolved.

(d) (3) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(e) (4) Except as may otherwise be provided in this subsection, nothing in this section is intended to affect any statute, rule, covenant, bylaw, provision, or clause that may allow for the recovery of attorney's fees. Attorney's fees and costs may not accrue or be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of this section and the member has failed to address the violation as set forth in subsection (2) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

55-115

(7)

Moved from under flags to limit attorney fees



1 55-3207. HOMEOWNER'S ASSOCIATION LIENS. (1) A homeowner's associa-  
2 tion may levy an assessment against a lot for the reasonable costs incurred  
3 in the maintenance of common areas consisting of real property owned and  
4 maintained by the homeowner's association.

45-810  
(1)  
Paraphrase  
removed page  
45-810  
(2) a)

5 (2) (a) A homeowner's association claiming a lien under subsection (1)  
6 of this section must file a claim in the county in which the lot or some  
7 part thereof is located. The claim must contain:

- 8 (i) A true statement of the amount due for the unpaid assessments  
9 after deducting all just credits and offsets;
- 10 (ii) The name of the lot owner, or reputed owner, if known;
- 11 (iii) The name of the homeowner's association; and
- 12 (iv) A description, sufficient for identification, of the prop-  
13 erty to be charged with the lien.

14 (b) When a claim has been filed and recorded pursuant to this section  
15 and the owner of the lot subject to the claim thereafter fails to pay any  
16 assessment chargeable to such lot, then as long as the original or any  
17 subsequent unpaid assessment remains unpaid, such claim shall automat-  
18 ically accumulate the subsequent unpaid assessments without the neces-  
19 sity of further filings under this section.

(2) b)

20 (c) The claim must be verified by the oath of an individual having  
21 knowledge of the facts and must be recorded by the county recorder. The  
22 record will be indexed as other liens are required by law to be indexed.

(2) c)

23 (d) Within five (5) business days after recording a lien on the prop-  
24 erty, the homeowner's association shall serve, by personal delivery to  
25 the owner or reputed owner or by certified mail to the last known address  
26 of the owner or reputed owner, a true and correct copy of the recorded  
27 lien.

(2) d)

28 (3) The lien may be enforced by the board acting on behalf of the home-  
29 owner's association.

Removed most of (3)  
Page 1  
45-810  
Last Sentence

30 (4) This section does not prohibit a homeowner's association from pur-  
31 suing an action to recover sums for which subsection (1) of this section cre-  
32 ates a lien or from taking a deed in lieu of foreclosure in satisfaction of  
33 the lien.

(3)  
45-810  
(4)

34 (5) An action to recover a money judgment for unpaid assessments may be  
35 maintained without foreclosing or waiving the lien securing the claim for  
36 unpaid assessments. However, recovery on the action operates to satisfy the  
37 lien, or the portion thereof, for which recovery is made.

(5)

38 55-3208. SOLAR PANELS. (1) No homeowner's association may add, amend,  
39 or enforce any covenant, condition, or restriction in such a way that pro-  
40 hibits the installation of solar panels or solar collectors on the rooftop of  
41 any property or structure within the jurisdiction of the homeowner's associa-  
42 tion. A homeowner's association may, however, determine the specific loca-  
43 tion where solar panels or solar collectors may be installed on the roof as  
44 long as installation is permitted with an orientation to the south or within  
45 forty-five (45) degrees east or west of due south.

45-810 (7)  
(6) Page 403

55-115  
(4)

46 (2) A homeowner's association may adopt reasonable rules for the  
47 installation of solar panels or solar collectors consistent with an ap-  
48 plicable building code or to require that panels or collectors be parallel  
49 to a roofline, conform to the slope of a roof, and that any frame, support

1 bracket, or visible piping or wiring be painted to coordinate with the roof-  
2 ing material. The provisions of this subsection shall apply only to rooftops  
3 that are owned, controlled, and maintained by the homeowner.

4 55-3209. POLITICAL SIGNS. (1) Except as otherwise provided in this  
5 section, no homeowner's association may add, amend, or enforce any covenant,  
6 condition, or restriction in such a way that prohibits or has the effect of  
7 prohibiting the display of a political sign.

8 (2) A homeowner's association may adopt reasonable rules, subject to  
9 any applicable laws or ordinances, regarding the time, size, place, number,  
10 and manner of display of political signs.

11 (3) A homeowner's association may remove a political sign without lia-  
12 bility if the sign:

13 (a) Is placed within the common areas, including limited common areas,  
14 other property or improvements owned or maintained by the homeowner's  
15 association, or property owned in common by the members of the home-  
16 owner's association;

17 (b) Threatens the public health or safety;

18 (c) Violates an applicable law or ordinance; or

19 (d) Is accompanied by sound or music or if any other materials are at-  
20 tached to the political sign.

21 (4) Except as provided in subsection (3) of this section, a homeowner's  
22 association shall not remove a political sign from the property of a member  
23 or impose any fine or penalty upon the member unless it has first provided the  
24 member three (3) days' written notice that specifically identifies the rule  
25 and the nature of the violation.

26 (b) (5) For the purpose of this chapter, "political sign" means any fixed,  
27 ground-mounted display in support of or in opposition to a candidate for of-  
28 fice or a ballot measure.

29 55-3210. FLAGS. (1) No homeowner's association may add, amend, or en-  
30 force any covenant, condition, or restriction in such a way that prohibits or  
31 has the effect of prohibiting the display of:

32 (a) The flag of the United States of America;

33 (b) The flag of the state of Idaho;

34 (c) The POW/MIA flag; or

35 (d) An official or replica flag of any branch of the United States armed  
36 forces.

37 (2) A homeowner's association may adopt reasonable rules, subject to  
38 applicable laws or ordinances:

39 (a) That require:

40 (i) The flag of the United States of America and the flag of the  
41 state of Idaho to be displayed in accordance with 4 U.S.C. 5 et  
42 seq.;

43 (ii) A flagpole attached to a dwelling or a freestanding flagpole  
44 to be constructed of permanent, long-lasting materials with a fin-  
45 ish appropriate to the materials used in the construction of the  
46 flagpole and harmonious to the dwelling;

55-115  
(5)

Further  
definition

55-115  
(6)



55-115  
(6)  
Cont.

- 1 (iii) The display of a flag, or the location and construction of
- 2 the supporting flagpole, to comply with applicable zoning ordi-
- 3 nances, easements, and setbacks of record; and
- 4 (iv) That a displayed flag and the flagpole on which it is flown be
- 5 maintained in good condition and that any deteriorated flag or de-
- 6 teriorated or structurally unsafe flagpole be repaired, replaced,
- 7 or removed;
- 8 (b) That regulate the size, number, and location of flagpoles on which
- 9 flags are displayed, except that the regulation may not prevent the in-
- 10 stallation or erection of at least one (1) flagpole per property that:
- 11 (i) Is not more than twenty (20) feet in height and, subject to
- 12 applicable zoning ordinances, easements, and setbacks of record,
- 13 is located in the front yard of the property; or
- 14 (ii) Is attached to any portion of a residential structure owned
- 15 by the member and not maintained by the homeowner's association;
- 16 (c) That govern the size of a displayed flag;
- 17 (d) That regulate the size, location, and intensity of any lights used
- 18 to illuminate a displayed flag;
- 19 (e) That impose reasonable restrictions to abate noise caused by an ex-
- 20 ternal halyard of a flagpole; or
- 21 (f) That prohibit a member from locating a displayed flag or flagpole on
- 22 property that is:
- 23 (i) A common area, including a limited common area;
- 24 (ii) Owned or maintained by the homeowner's association; or
- 25 (iii) Owned in common by the members of the association.
- 26 (3) A member who has a front yard and who otherwise complies with any
- 27 permitted homeowner's association regulation may elect to install a flag-
- 28 pole in accordance with subsection (2) (b) of this section.
- 29 (4) A homeowner's association may not remove a flag permitted by sub-
- 30 section (1) of this section from the property of a member or impose any fine
- 31 or penalty upon the member unless it has first provided the member three (3)
- 32 days' written notice that specifically identifies the rule and the nature of
- 33 the violation.

Separate section

New

34 55-3211. PROHIBITED CONDUCT -- RENTAL RESTRICTIONS. No homeowner's  
 35 association may add, amend, or enforce any covenant, condition, or restric-  
 36 tion in such a way that limits or prohibits the rental, for any amount of  
 37 time, of any property, land, or structure thereon within the jurisdiction of  
 38 the homeowner's association, unless expressly agreed to in writing at the  
 39 time of such addition or amendment by the owner of the affected property.  
 40 Nothing in this section shall be construed to prevent the enforcement of  
 41 valid covenants, conditions, or restrictions limiting a property owner's  
 42 right to transfer his interest in land or the structures thereon as long as  
 43 that covenant, condition, or restriction applied to the property at the time  
 44 the homeowner acquired his interest in the property.

55-115  
(3)  
Page 1

45 SECTION 5. That Section 42-1311, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

42-1311

47 42-1311. AMOUNT AND LIEN OF ASSESSMENTS. The amount assessed against  
 48 each water user, together with any penalties and interest, shall be a lien

1 upon the water user's land that is entitled to receive water from the point  
2 or points of delivery in the canal or reservoir, or from the point or points  
3 of diversion from waters of the state, that supplies the association's lat-  
4 eral or ditch. The lien shall be recorded and collected in accordance with  
5 ~~subsections (2) through (5) of section 45-810~~ section 55-3207, Idaho Code,  
6 governing homeowner's association liens, except that the lien may be con-  
7 tinued in force for a period of time not to exceed three (3) years and may be  
8 extended not to exceed three (3) additional years. The lien provided for in  
9 this section shall have priority according to its date of recordation, ex-  
10 cept as to other liens described in titles 42 and 43, Idaho Code.

11 SECTION 6. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after  
13 July 1, 2022.

42-1311

New



# HB 589 Rule of 80 Fast Fact sheet

Counties by the numbers:

Attachment 2, Senator Cook  
March 17, 2022

# of Juvenile Detention, Juvenile Probations,

Adult misdemeanor Officer's

(Increased cost to be under Rule of 80)

<u># of Officers</u>	<u>Officers contribution</u>	<u>County contribution</u>
Ada	88	\$87,807.50 \$19,015.63
Bannock	18	\$13,134.62 \$2,752.19
Benewah	16	\$11,516.81 \$2,494.09
Bear Lake	1	\$690.80 \$149.60
Blaine	4	\$4590.84 \$994.19
Bingham	10	\$7,583.46 \$1,642.28
(Boise)	2	\$1,338.90 \$289.95
Bonner	23	\$16,351.68 \$3,541.13
Bonneville	22	\$16,400.17 \$3,551.61
Boundary	3	\$1,886.48 \$408.54
Butte	1	\$517.97 \$408.54
Canyon	63	\$42,107.2 \$11,480.16
Caribou	3	\$1,972.8 \$427.24
Cassia/Minidoka	19	\$11,783.97 \$2,551.95
Clearwater	3	\$1,494.67 \$323.69
Custer	1	\$653.19 \$141.46
Elmore	5	\$3,379.74 \$731.92
Franklin	3	\$1951.50 \$422.62
Fremont	2	\$1,725.43 \$373.66
Fremont/Clark/Madison/Teton 5		\$3,516.49 \$761.53
Gem	2	\$1,311.14 \$289.94
Gooding	3	\$1,904.25 \$412.39
Idaho	2	\$1,206.84 \$261.35
Jefferson	6	\$4,129.37 \$894.26
Jerome	3	\$2,011.94 \$435.71
Kootenai	28	\$19,32.34 \$4,121.65
Latah	6	\$5,898.0 \$1,277.28
Lemhi	2	\$1,284.35 \$278.14
Lincoln	2	\$1,080.59 \$234.01
Minidoka	8	\$4,485.66 \$971.42
Nez Perce	23	\$17,485.66 \$3,786.70
Oneida	2	\$1,004.46 \$217.53
Owyhee	2	\$1,111.64 \$240.74
Shoshone	2	\$1,216.44 \$263.43
Payette	5	\$3,608.43 \$781.44
Power	1	\$690.80 \$149.60
Teton	1	\$621.72 \$134.64
Twin Falls	35	\$18,236.00 \$3,949.2
Valley	3	\$2,009.25 \$435.05
Washington	2	\$1,337.88 \$289.73
<u>Region 6 Juvenile</u>		(Cost split between Counties with Regional detention)
Detention Center		
6-counties	10	\$5,718.41 \$1,238.38
<u>3B Detention Center</u>		
3-Counties	16	\$11,158.71 \$2,494.09
<u>5-C Juvenile Detention</u>		
<u>Center</u>		
5-Counties	24	<u>\$9,990.62</u> <u>\$2,163.57</u>
		<b>\$379,588.61 \$82,203.90</b>

This Legislation will not affect the State General Fund, any dedicated fund, or federal fund. This proposal will demand an increase of contribution by each individual employee of less than \$1,000 per year, and a contribution by the county of approximately \$161.82 per new employee receiving the Rule of 80 benefit per year. *The nine disciplines that are POST certified in Idaho are: Patrol, Correction, Adult Detention (Jail), Felony Probation & Parole, Emergency Communications, Adult Misdemeanor Probation, Juvenile Detention, Juvenile Probation, Juvenile Corrections.*

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**8:15 A.M.**  
**Room WW54**  
**Friday, March 18, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of March 10, 2022	Senator Souza
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Trent Nate to the Idaho Health Insurance Exchange Board	Trent Nate
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Thomas Baskin to the Idaho Industrial Commission	Thomas Baskin
<a href="#"><u>HCR 48</u></a>	FEE RULES - HOUSE BUSINESS AND SENATE COMMERCE AND HUMAN RESOURCES COMMITTEES - States findings of the Legislature and approves fee rules reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee.	Rep. Dixon
<a href="#"><u>HCR 49</u></a>	HOUSE COMMERCE AND HUMAN RESOURCES COMMITTEE - RULE APPROVAL - States findings of the Legislature and approves fee and non-fee rules reviewed by the House Commerce and Human Resources Committee.	Rep. Holtzclaw

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
[Register to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES

**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Friday, March 18, 2022

**TIME:** 8:15 A.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Agenbroad, Riggs, and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Guthrie and Burgoyne

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 8:17 a.m.

**MINUTES APPROVAL:** **Vice Chair Souza** moved to approve the Minutes of March 10, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Trent Nate to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing February 16, 2022 and expiring April 10, 2025. **Mr. Nate** gave a brief overview of his background and job history. He noted he took the place of Jerry Edgington, who retired. He said he was excited about his role on the IHIEB.

**DISCUSSION:** In response to questions from **Senator Agenbroad**, **Mr. Nate** answered he was on the Marketplace Committee. He worked extensively with consumers and agents. He was also on the High Risk Pool Board. He said he balanced communications from the IHIEB standpoint and his job by working around some of the systems that were not yet in place. **Mr. Nate** noted Select Health pushed back deadlines for enrollment and payments in cooperation with the IHIEB.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Thomas Baskin to the Idaho Industrial Commission (IIC)**, of Garden City, Idaho, term commencing January 13, 2021 and expiring January 13, 2027. **Mr. Baskin** gave a brief overview of his background and job history. He said he was the Attorney representative on the IIC. He gave a lengthy response to allegations against him during the hearing on **H 590**. He noted he and other Commissioners all converged on problems and treated them deliberately, reviewed decisions, and strove to reach a consensus. He cited the Williams versus Blue Cross case ruling from the Idaho Supreme Court hearings, and noted the court determined the IIC had jurisdiction and tasked with applying the rule. He stated he recognized and believed direction had been given from the Idaho Supreme Court that could not be ignored. He cited various instances that were resolved relating to lump sum settlements within 7 to 14 days.

**DISCUSSION:**

In response to questions from **Senator Agenbroad**, **Mr. Baskin** stated the reason he felt he was a target versus the IIC was because he was the one who ran the contested hearings and had to explain the decisions of the IIC. In moving forward, **Mr. Baskin** stated the different legal interpretations by attorneys of the Williams case, were at the root of the issues. He said he tried to suggest to attorneys there were a number of ways to get the Idaho Supreme Court to review the Williams Case; however, there was already an opinion rendered by the court, and the IIC could not budge. He said the law was clear.

**Vice Chair Souza** asked what impact **H 590** would have on the IIC. **Mr. Baskin** stated the subrogation claims would not disappear, but the IIC would no longer have jurisdiction over settlements to make sure claims were satisfied.

**Senator Lakey** remarked **H 590** resolved the issue of the Williams case. He noted parties should be able to settle with the advice and participation of counsel. Controversy was unusual. He stated the Committee heard some concerns about staff communications with participants as to why they had to participate in the process that were not made clear. **Mr. Baskin** responded that the staff was charged with reviewing documents and to make recommendations as to settlements that was in the best interest of both parties. There were many other things that involved that decision. He stated the IIC considered future medical benefits, Medicare, attorney fees, and whether the money was correct. There must be oversight. The Commissioners relied on staff to make inquiries about a case relevant to approval. Staff was warned to not say too much to anyone about questions they had in case someone thought the IIC had a bias prior to the case hearing.

**Senator Ward-Engelking** asked Mr. Baskin's opinion about the lack of judicial oversight in **H 590**. He said workers' compensation was a small part of the law. It was inhabited by attorneys who figured out how to make a living. That largely came from choosing cases.

**TESTIMONY:**

**Tom Limbaugh**, Commissioner, IIC, testified in support of the gubernatorial reappointment of Mr. Baskin. He gave a brief prospective of working with Mr. Baskin. He noted Mr. Baskin had excellent judicial demeanor and had worked with him for the last 13 years. His knowledge and experience with the workers' compensation law was not surpassed by many other attorneys in this State. He said Mr. Baskin worked very hard to ensure the law was applied.

**HCR 48**

**FEE RULES - HOUSE BUSINESS AND SENATE COMMERCE AND HUMAN RESOURCES COMMITTEES - State findings of the Legislature and approves fee rules reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee.** **Chairman Patrick** stated this legislation approved the Administrative Rules adopted by the Idaho Department of Finance, Idaho Department of Insurance, and the Grape Growers and Wine Producers Commission. This legislation had no impact to the State's General Fund, dedicated, or any federal funds.

**UNANIMOUS  
CONSENT  
REQUEST:**

**Chairman Patrick** asked for unanimous consent to sent **HCR 48** to the floor with a **do pass** recommendation. There were no objections.

**HCR 49**

**HOUSE COMMERCE AND HUMAN RESOURCES COMMITTEE - RULE APPROVAL - State findings of the Legislature and approves fee and non-fee rules reviewed by the House Commerce and Human Resources Committee. Chairman Patrick** indicated this Concurrent Resolution reflected the approval of the rules reviewed and approved by the Idaho House of Representatives and the Senate Commerce and Human Resources Committee. It also reflected one rule approved by the Idaho House Commerce and Human Resources Committee but rejected by the Senate Commerce and Human Resources Committee. There was no impact to the General Fund.

**UNANIMOUS  
CONSENT  
REQUEST:**

**Chairman Patrick** asked for unanimous consent to send **HCR 49** to the floor with a **do pass** recommendation. There were no objections.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 9:14 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:00 P.M.**  
**Room WW54**  
**Tuesday, March 22, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	NOTE MEETING TIME OF 1:00 P.M.	
<b>MINUTES APPROVAL:</b>	Minutes of March 15, 2022	Senator Guthrie
<b>MINUTES APPROVAL:</b>	Minutes of March 17, 2022	Senator Lakey
<b>MINUTES APPROVAL:</b>	Minutes of March 18, 2022	Senator Martin
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Sarah Griffin to the Idaho Personnel Commission	Sarah Griffin
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Trent Nate to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Thomas Baskin, Industrial Commission	Senator Patrick

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, March 22, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/  
EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:00 p.m.

**MINUTES APPROVAL:** **Senator Guthrie** moved to approve the Minutes of March 15, 2022. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Lakey** moved to approve the Minutes of March 17, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Martin** moved to approve the Minutes of March 18, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Sarah Griffin to the Idaho Personnel Commission (IPC) to serve a term commencing July 1, 2021 and expiring July 1, 2027. Ms. Griffin** gave a brief overview of her experience and job duties. She noted that because of her experience she was well-suited to serve on the IPC. **Chairman Patrick** called for a vote on the reappointment of Sarah Griffin to the IPC.

**MOTION:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Sarah Griffin to the Idaho Personnel Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Appointment of Trent Nate to the Idaho Health Insurance Exchange Board (IHIEB). Chairman Patrick** called for a vote on the appointment of Trent Nate to the IHIEB.

**MOTION:** **Senator Riggs** moved to send the gubernatorial appointment of Trent Nate to the Idaho Health Insurance Exchange Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Committee Vote on the Reappointment of Thomas Baskin to the Idaho Industrial Commission (IIC). Chairman Patrick** called for a vote on the reappointment of Thomas Baskin to the IIC.

**MOTION:** **Senator Martin** moved to send the gubernatorial reappointment of Thomas Baskin to the Idaho Industrial Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Riggs** seconded the motion. The motion carried by **voice vote**. Senator Guthrie voted nay.

**DISCUSSION:** **Senator Burgoyne** and **Vice Chair Souza** thanked the Committee. They praised the members for how well everyone worked together and collaborated. The remainder of the Committee thanked the Chairman and one another for a great session.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:17 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary